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СУТНІСТЬ АДМІНІСТРАТИВНО-ПРОЦЕСУАЛЬНОГО ПРАВА
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THE ESSENCE OF THE ADMINISTRATIVE PROCEDURE LAW

У статті досліджується генезис та сучасна парадигма вітчизняного адміністративно-процесуального права. На підставі аналізу провідних наукових концепцій, чинного законодавства та практики його застосування сформовано концептуальний підхід до розуміння адміністративно-процесуального права як самостійної юридичної галузі, яка регламентує всі, без винятку, процесуальні аспекти діяльності публічної адміністрації.

The article deals with the genesis and modern paradigm of national administrative and procedural law. The author points out that despite the general recognition of the administrative process structural element of the national legal system, legal paradigm no unified understanding of this phenomenon. Analysis of scientific positions and the law, points to the existence within the national legal approaches three main approaches to determining the nature of the administrative process, jurisdictional, judicial and administrative. Based on the discovering, the author concludes that the basic principles of jurisdiction and judicial concepts are characterized by a number of controversial provisions, without answering modern practice and not reflecting the objectives of the administrative procedure. The article states that the most advanced management concept is suitable to understanding the process as a special administrative, procedural forms inherent throughout the enforcement of the public authorities, not just its individual areas that are associated with the use of force measures. Argued that the limits functioning of the administrative process, besides the jurisdictional areas cover the entire volume management (non-conflict) cases to ensure the effective functioning of the state mechanism and optimal satisfaction interest entities. So, based on consideration of leading scientific concepts and practice of legislation proposed conceptual approach to understanding the administrative procedural law as a separate legal industry, which governs all, without exception, the procedural aspects of public administration.

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ВЗАЄМОДІЯ В УПРАВЛІННІ ПРАВООХОРОННИМИ ОРГАНАМИ: СТАНОВЛЕННЯ ТА РОЗВИТОК
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INTERACTION IN THE MANAGEMENT OF LAW ENFORCEMENT AUTHORITIES: THE FORMATION AND DEVELOPMENT

Стаття присвячена актуальній проблемі – дослідженню виникнення та розвитку наукових положень, які визначають зміст наукової категорії «взаємодія» в загальній теорії управління та управлінні правоохоронними органами.

The article is devoted to an actual problem research of emergence and development of scientific provisions which define the content of the scientific category «interaction» in the general theory of

management and management of law enforcement authorities.
At the article the achievements of different sciences have made possible to identify patterns and principles of interaction in systems of any rank, including social. From this perspective, can be considered to form the structure of any organization indicating the most characteristic and possible relationships, as inside and outside. But any social system (law enforcement is no exception) is dynamical and not enter into hard structural and organizational boundaries. It initially can not be a strictly defined connections and relationships. It is important to remember that ignoring common, fundamental regularities entails a one-sided research
Unfortunately is necessary to admit that the idea of scientific management (and in particular the interaction) until recently in Ukraine has not enough extensive development. It should be noted that the majority of scientists of the Soviet period studied the problems of interaction, but these researches were not comprehensive and considered only the external interaction of various institutions (including law enforcement) governmental and non-governmental associations or had narrow direction, had revealed interaction only in certain areas.
The main conclusion of the article is these that interactions were devoted a lot of scientific works, but a systematic study of the theory of interaction between law enforcement agencies are not carried out, as the result, in our opinion, we got the low efficiency of interaction and practice, which, of course, necessitates further comprehensive analysis to improve the organization of interaction between law enforcement agencies and other public and non-public institutions.

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ПОДАТКОВІ КОНСУЛЬТАЦІЇ: СУТНІСТЬ, ПОРЯДОК НАДАННЯ ТА ОСКАРЖЕННЯ

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TAX ADVICE: THE ESSENCE, THE ORDER PROVIDING AND THE APPEAL

У статті розглянуто сутність та порядок надання податкових консультацій контролюючими органами України у сфері податкових і митних відносин, а також передбачена чинним законодавством процедура їх оскарження платниками податків.
Запропоновано зміни до Податкового кодексу України, що на практиці сприятимуть поліпшенню якості податкових консультацій, що надаються контролюючими органами; розширенню способів захисту законних прав платників податків у разі їх порушення внаслідок застосування неякісної податкової консультації у фінансово-господарській діяльності; підвищенню рівня взаємовідповідальності та покращенню взаємовідносин суб'єктів податкових правовідносин.

The article describes the essence of the order providing tax advice supervisory authorities of the state – tax and customs services of Ukraine, as well as under applicable law of procedure of appeal to the taxpayers.
It is noted that in order to form a clear approach to the provision of taxpayers at their request tax advice on the most pressing issues of tax law, the central bodies of the executive power (the STS and the SCS of Ukraine) conduct periodic compilation of tax advice relating to a significant number of taxpayers or significant amounts of tax liabilities, and their orders to claim summarizing the tax consultations, which

shall be made public.
Determined that in the tax field use or application of tax advice in any form, including – orally, may have negative consequences for both the regulators and for taxpayers. For an employee of the supervisory authority, which provided no quality advice in any form, the negative effects can be, for example, bringing him to the statutory responsibility for the misinterpretation of certain tax legislation, which is contained in the tax advice provided by the taxpayer of individual character. In a taxpayer who has applied this advice into practice may violate the legal rights, it can be applied to the material, or any other damages (losses).
Proposed amendments to the Tax Code of Ukraine, which in practice will help to improve the quality of tax advice provided by the supervisory authorities; expanding ways to protect the legal rights of taxpayers in the case of violation by the use of poor-quality tax advice in financial activities; increase the level of mutual responsibility and improve the relationship of subjects objects tax relations.

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АУДИТ У СИСТЕМІ ДЕРЖАВНОГО ВНУТРІШНЬОГО ФІНАНСОВОГО КОНТРОЛЮ
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AUDIT IN THE SYSTEM OF STATE INTERNAL FINANCIAL CONTROL

У статті розкривається поняття внутрішнього аудиту як складової внутрішнього контролю, що здійснюється у системі державних органів, його сутність, проблеми становлення та шляхи їх вирішення.

The article deals with the concept of internal audit as a component of internal control is carried out in the system of government, its essence, problems of and solutions. The organization and implementation of public internal control actively discussed and resolved with the adoption of the concept of public internal financial control until 2017. The author notes that the internal state audit and legal, methodological and professional level is only at the stage of development.
The article set the goal based on the analysis of scientific sources, existing regulations to disclose the nature of internal audit to determine its place and role in the system of public internal financial control and formulate proposals for its improvement. Implementing internal administrative control management should monitor the provision of operations and actions only authorized persons and in accordance with established procedures. It is shown that the system of internal control is almost always avoids assessment of the attention of senior management and owners and is aimed more towards the control actions of lower levels. The internal control system is a necessary and integral part of the structure of any authority, but it is not without flaws. The internal control system, no matter how well it was organized, can only provide reasonable within warning of negative consequences because of the influence of several limitations that are characteristic of any system of controls. The banking system of internal audit organization implemented and actively functioning as internal audit units, the creation of which is required when registering the bank. Internal audit is a control that provides a functionally independent assessment of the activities of the public sector. The purpose of internal audit is to provide independent advice and consultation aimed at improving the work of state and municipal sectors, improving management processes, furthering the goal of such bodies.

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PRACTICE OF USE OF THE INTERNATIONAL EXPERIMENT ON INTERACTION OF TAX AUTHORITIES FROM MASS MEDIA
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ПРАКТИКА ВИКОРИСТАННЯ МІЖНАРОДНОГО ДОСВІДУ ЩОДО ВЗАЄМОДІЇ ПОДАТКОВИХ ОРГАНІВ ІЗ ЗАСОБАМИ МАСОВОЇ ІНФОРМАЦІЇ

This article considers a current state of interactions of tax authorities with mass media in foreign countries, explaining its value as the practical, in introduction in activity of bodies of the State Tax Service of Ukraine with mass media.
By authors it is noted that the solution of questions of system improvement of standard and legal base in the sphere of information relations and its adaptation with the European and international law has to proceed from two directions: 1) creation of the automated field service of studying and comparison of the information legislation of Ukraine with the European right and the international information law; 2) systematization of the information legislation of Ukraine at the level of the codified act − the Information code of Ukraine.
According to authors, the major factor for effective cooperation of public authorities and mass media is existence of the feedback, allowing to estimate level of cooperation of the specified bodies and the perception moment them each other that is very important when forming high professional, business connections between subjects of communication.
Having analysed experience of interaction of public authorities with mass media in foreign countries, the conclusion that it would be expedient to bodies of the State Tax Administration of Ukraine to introduce in the activity or to take for the rule of introduction in the mechanism of cooperation with mass media the principle of drawing up the communicative plan of interaction in each separate sphere of activity of these bodies.

У статті розглянуто поточний стан взаємодії податкових органів із засобами масової інформації в зарубіжних країнах, пояснюючи його значення у практичній діяльності органів фіскальної служби України із засобами масової інформації.
Проаналізувавши досвід взаємодії органів державної влади із засобами масової інформації в зарубіжних країнах, автором зроблено висновок, що було б доцільно, щоб органи Державної фіскальної служби України запровадили у своїй діяльності або встановили правило введення в механізмі співпраці з ЗМІ принцип складання плану комунікативної взаємодії в кожній окремій сфері діяльності цих органів.

КРИМІНАЛЬНЕ ПРАВО, КРИМІНАЛЬНИЙ ПРОЦЕС, КРИМІНАЛІСТИКА І ОПЕРАТИВНО-РОЗШУКОВА ДІЯЛЬНІСТЬ

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USE OF CRIMINAL PUNISHMENT TO MILITARIES IN UKRAINE

Стаття присвячена актуальним питанням превенції злочинності серед військовослужбовців України шляхом застосування кримінального покарання. Досліджуються особливості відбування покарання військовослужбовцями під час проходження військової служби.

This article is devoted to the issue of crime prevention among military Ukraine by applying criminal penalties. The author notes that the hotfix relevant category is characterized by military characteristics, caused by military service.

The article notes that although detention in a disciplinary military unit has features common with imprisonment as a form of punishment, but it does not classify this type of punishment as a form of imprisonment as a referral to a disciplinary unit is an independent, relatively more lenient sentence. An indication that separates this punishment of imprisonment, as is the fact that those who have served their sentence in a penal battalion or release, are recognized as having no criminal record. Suggested that while serving this sentence a person continues military service, causes specifics detention regime of soldier- prisoner. Isolation of a disciplinary and caused by the need to place prisoners in conditions of strict military discipline and to realize these within the process of corrective labor influence to correct them in the spirit of honest attitude to work and life, precise execution of the laws, military oath, military regulations, orders and prevention of new crimes.
It was concluded that this type of punishment has proved effective with criminological point of view due to the low re-offending or breach of military service. Pointed out that measures to prevent military crime can be classified into the following groups: general social; specially-criminological; individual; and criminal investigative activities, victimological. Attention is paid to the role of the pre-trial investigation and prosecution of the military in preventing the commission of criminal offenses soldiers.

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ВДОСКОНАЛЕННЯ ОПЕРАТИВНО-РОЗШУКОВОГО ЗАКОНОДАВСТВА УКРАЇНИ

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IMPROVING OPERATIONAL-INVESTIGATIVE LAW UKRAINE

У статті проаналізовано проблеми правового регулювання оперативно-розшукової діяльності в Україні та обґрунтовано шляхи їх вирішення. Визначено перспективи кодифікації законодавства у сфері оперативно-розшукової діяльності в Україні.

The article analyzes the problems of legal regulation of operational activities in Ukraine and reasonable solutions. With the adoption of the new Criminal Procedure Code, which fundamentally changed the pre-trial investigation of criminal offenses to the laws of Ukraine made a number of changes and additions as determined by the new order of the competent departments of operational activities. In particular, changed distinction between investigative operations and criminal proceedings, in accordance with the Code of Ukraine adjusted system of search operations, expanded the subject of Public Prosecutions in criminal activity.
It is noted that a number of innovations to the criminal procedure law is a progressive step towards bringing legislator domestic criminal justice system in line with international and European standards. Deserve the support and approval of the criminal procedural rules that provide the most rapid response by the pre-trial investigation to reports of crime, from which it sources have been reported.
After analyzing the feasibility problem of codification investigative operations legislation of Ukraine, the author concludes that it has both positive and negative sides.
It is emphasized that the development and adoption of operational investigative Code of Ukraine not only consonant with the demands and the needs of the practice of operational units, but there is urgent and necessary, because that will create an effective legal framework for the conduct of investigative work, resulting speak appropriate level of combating crime and ensuring national security.

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КРИМІНАЛІСТИЧНИЙ АНАЛІЗ ЕКОНОМІЧНИХ ЗЛОЧИНІВ, ЩО ВЧИНЯЮТЬСЯ В УМОВАХ РИНКОВОГО ГОСПОДАРЮВАННЯ

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FORENSIC ANALYSIS OF THE ECONOMIC CRIMES MADE IN THE CONDITIONS OF MARKET ECONOMY

У статті розглядаються чинники, що сприяють організованій економічній злочинній діяльності, дається її криміналістичний аналіз, який сприятиме єдиному підходу до її поняття, обліку і своєчасному виявленню, розкриттю і розслідуванню.

The article examines the factors of organized economic crime, given its forensic analysis, as well as factors shadow economy that contribute to these activities in the priority areas of the economy, including industrial, agro-industrial, energy sector, foreign trade, finance and credit, banking, budget areas of privatization, construction, transport, domestic trade. There is a high degree of latency as an indicator of economic crimes incapacity of the state to combat this crime.
With the application of a systematic approach considered special forensic signs of economic crime: special subjects (subjective offense), the subject of criminal assault, criminal technology economic crime and so on.
It is proposed to improve the definition of economic crime, which should be classified as crimes related to property, financial, or economic performance, committed special subject or group of persons organized group with the use of technology in criminal corruption schemes, legal or shady business, the implementation of production distribution, exchange and consumption of goods and services to companies, institutions, organizations, priority areas of the economy in order to obtain criminal proceeds.
The most common crimes facilities priorities of the economy, particularly in the metallurgical, chemical, engineering and other industries defined.
Given in the article analysis has scientific importance for the improvement of forensic characteristics of individual species and groups of actions and methods of investigation.

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ЗАПОБІГАННЯ ПОБУТОВОМУ НАСИЛЬСТВУ: КРИМІНОЛОГІЧНІ ЗАСАДИ

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PREVENTION OF DOMESTIC VIOLENCE: CRIMINOLOGICAL BASES

У статті досліджується актуальна проблема розробки кримінологічних засад запобігання побутовому насильству. Звернено увагу на типові детермінанти побутового насильства в Україні та визначено напрямки його попередження.

The article examines the actual problem of development of criminological principles to prevent domestic violence. Attention is drawn to the typical determinants of domestic violence in Ukraine and the directions of its prevention.
One of the important problems in modern Ukraine is the problem of cultivation of aggression in the media. Modern society is not without reason called information. On the one hand, the means of communication have made contacts between people most affordable on the other - have added their anonymity. Media can not exist outside of social control precisely because of the enormous and specific effects they cause the moral and mental health. Solve the problem of wide cultivation in media aggression, violence and various forms of deviation by only one strict censorship does not work, especially given the global spread of the Internet, which is difficult to control.
The author points out that it is necessary to use the benefits of the media in order to prevent violent crimes. These include: the promotion of family values, cultivating a healthy lifestyle, social programs broadcast (not aggressive talk show), the contents of which are family and domestic problems and their solutions.
The article raised the issue of alcoholism as an antisocial phenomenon that raises a number of important issues to date. In the anti-alcohol policy should pay special attention to educational activities. Its main recipients must be not only the drinkers' people, but any family that has children and the younger generation. It is necessary to re-restore the culture of consumption of alcoholic beverages in Ukraine

traditionally wore drinking, festive character.
The problems of adolescence and youth alcoholism must finally ask higher authorities. It's time to put an end to aggressive beer advertising on television and fundamentally resolve the issue of advertising of other brands of manufacturers of alcoholic beverages. It is necessary to establish the country's system of individual assistance to persons suffering from alcohol addiction. One of the world's most popular forms of assistance (self) persons suffering from alcohol abuse, and those suffering from alcoholism, Alcoholics Anonymous is a movement ("Alcoholics Anonymous»). The basic idea of the movement is to provide mutual assistance to people who have problems with alcohol, to abstain from consumption.

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МІСЦЕ БАНКІВСЬКИХ УСТАНОВ СЕРЕД ОБ'ЄКТІВ КРИМІНОЛОГІЧНОЇ БЕЗПЕКИ

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THE PLACE OF BANKING INSTITUTIONS AMONG THE OBJECTS OF CRIMINOLOGICAL SECURITY

У статті розкрито поняття кримінологічної безпеки банківських установ, визначено її структурні елементи, проведено аналіз кримінально-правових та кримінологічних особливостей розбійних нападів на банківські установи.

The article is devoted to criminological security of banks and protect them from robbery. The data distribution of these actions in Ukraine and abroad, as well as the low level of detection and prevention presented.
The concepts and components of criminological security of banking institutions: the object security criminal threats and their sources, subjects of security and preventive measures determined. Banking institutions classified as special objects of criminological security which is viewed through a set of technical, security, information and other factors that make up the infrastructure of these facilities. Criminal and criminological characteristics robberies at banks analyzed. It is noted that most of the robberies on the objects by the penetration of the premises of banks. In this regard, the peculiarities of how committed these acts and related conditions such as «penetration», «another room», «store» and other inherent infringe on banking infrastructure.
Feature is the presence of these crimes under preparation, characterized searching objects, monitoring its work, security, collection, recruitment of accomplices, searching tools and means used by criminals for attacks on banks.
Problem of criminological security of banks has theoretical and practical significance for the development of further measures to prevent these crimes.

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МІЖНАРОДНЕ СПІВРОБІТНИЦТВО ПРАВООХОРОННИХ ОРГАНІВ ПРИ ПРОВЕДЕННІ СПІЛЬНИХ АГЕНТУРНИХ ОПЕРАЦІЙ (ТАЄМНИХ РОЗСЛІДУВАНЬ)

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INTERNATIONAL POLICE COOPERATION IN JOINT SURVEILLANCE OF OPERATIONS (COVERT INVESTIGATIONS)

У статті розглянуто актуальні проблеми національного законодавства країн Європи щодо міжнародного співробітництва правоохоронних органів при проведенні спільних агентурних операцій (таємних розслідувань).

The article deals with current issues of national legislation to European countries for international police cooperation in joint surveillance of operations (covert investigations). The requirements of international law do not always adapt national law countries, even those who are parties to the signing of an international legal act indicated.
Authors set a goal to analyze the national legislation of European countries for its compliance with international legal requirements of the researched problems. It should be noted, first, the fact that the legislation of Belarus, Armenia and Russia and some other countries (like the laws of Ukraine) determines the list of authorities empowered to carry out search operations in their territory, and is not regulated (i.e. not allowed) conducting surveillance of operations (covert investigations) or other ORM law enforcement agencies of other states. Latvia is one of the countries that have ratified the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters.
The legislation of Malta allowed conducting surveillance of operations only for crimes related to drugs, and only on a trial basis. Portugal ratified not only the European Convention on mutual help in criminal cases between the Member States of the European Union in 2000, and a Second Additional Protocol.
Slovenian legislation also allows for the republic undercover operations by law enforcement agencies in other countries. Ability of law enforcement agencies of other states in the country is regulated in the legislation of Hungary. Finland has also ratified the Convention on mutual help in criminal cases between the Member States of the European Union in 2000.
Czech Republic also ratified the Second Additional Protocol to the European Convention on mutual help in criminal cases and the Convention on mutual help in criminal cases between the Member States of the European Union signed a bilateral agreement with Austria and Germany about the possibility of conducting joint surveillance of operations. Swiss law not settled the issue of holding the territory of the surveillance of operations (covert investigations) law enforcement agencies in other countries.

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ПІДСТАВИ ЗВІЛЬНЕННЯ ВІД КРИМІНАЛЬНОЇ ВІДПОВІДАЛЬНОСТІ ЗА ДІЮЧИМ ЗАКОНОДАВСТВОМ

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GROUNDS FOR EXEMPTION FROM LIABILITY IN CRIMINAL LAW OF UKRAINE

У статті викладені та досліджуються основні суперечливі аспекти поняття і ознак звільнення від кримінальної відповідальності. Звернено увагу на характеристику видів звільнення від кримінальної відповідальності.

The article presents and examines key aspects of the concept and contradictory evidence of exemption from criminal liability. The attention to the characteristic of types of release from criminal liability is paid.
This study is an attempt to find the point of intersection and determine common in the sense of exemption from criminal liability. Definitely different interpretations in the academic field related to the exemption from liability in criminal law of Ukraine.
In the article studied and analyzed signs exemption from criminal liability, namely: the lack of official condemnation person by the state as a guilty verdict; the official rejection of the application to the person who committed the crime, charges of criminal-law character; end all criminal-law relationships between state and exempt entity.
The author notes that the exemption from criminal liability is a waiver of the state of official condemnation of the person who committed the crime, in the form of conviction and the application of

charges of criminal-law character in connection with the legal facts set in CC of Ukraine, which results in the termination of the entire complex criminal relations.

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ЗНАЧЕННЯ ЗАГАЛЬНОЇ ТЕОРІЇ СУДОВОЇ ЕКСПЕРТОЛОГІЇ В СИСТЕМІ НАУКОВИХ ЗНАНЬ

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THE VALUE OF A GENERAL THEORY OF FORENSIC EXPERT STUDY IN THE SYSTEM OF SCIENTIFIC KNOWLEDGE

У статті розглядаються умови формування загальної теорії судової експертизи – судової експертології, її поняття і місце в системі наукового знання та сформовані її завдання.

The article deals with the formation of a general theory of forensics - forensic expert study, the concept and its place in the system of scientific knowledge, formulated its mission.
It is believed that the forensic expert study aims to examine the laws and methods of formation and development of forensic examination, study patterns of objects, implemented on the basis of expertise, transformed into a sectoral system of scientific methods, techniques and tools solutions expert tasks within legal regulation.
The concept of forensic expert study law as applied science, in its genesis and common object of study (criminal activity) belongs to the cycle of criminal science formulated. It serves indirectly expert practice through the development of general theoretical principles and foundations of expert methodologies, which covers common methods and techniques that are based on the basic tools and modern information technology and should play a role of methodological guidelines in constructing industry-expert subjects and their inherent peer methods and technologies.
Forensic expert study should take «scientific services» practice of forensic and procedural institute, branch professional corporation, which operates within the judiciary, became a foundation for design professional and expert appraisal program specializations.
The question of the relationship of forensic science and forensic expert study, and the active dissemination of forensic activities on industries that require traditional peer review decision making in law, administration, economy and more considered.

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ВЗАЄМОДІЯ ІНСТИТУТІВ ДЕРЖАВИ І ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА: ТЕОРЕТИЧНІ ЗАСАДИ

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INTERACTION OF STATE INSTITUTIONS AND CIVIL SOCIETY: THE THEORETICAL ASPECTS

Стаття присвячена теоретичним аспектам визначення сутності взаємодії в контексті протидії насильству в сім'ї у правовій державі. У статті на основі аналізу різних поглядів вчених на проблему взаємодії різних суб'єктів протидії насильства в сім'ї розкривається її поняття та сутність, а також визначаються проблемні питання.

The article is devoted to theoretical aspects of determining the nature of interaction in the context of combating domestic violence in a legal state. The article is based on the analysis of different views of scientists on the problem of interaction between different actors combating domestic violence, revealed its concept and essence, and defined problems.
It is noted that the effective activities aimed at combating domestic violence, can only be effective when lack of cooperation of various government entities and non-governmental sector, which requires the formation of general provisions on the definition of such an interaction. The main drawbacks of interaction of preventing domestic violence considered.
Based on in-depth theoretical analysis of the category of "interaction" from the standpoint of philosophy, management theory and law, it is concluded that in this sense - a normative set or agreed time, subject, tasks synergy of public and private institutions within their jurisdiction and with the powers to achieve a common result, which is expressed as an effective response to domestic violence.
The most essential feature of the interaction is cooperation. Given the definitions and other signs of interaction, which are in particular: a process based on legal standards, joint activities agreed upon time, subject and objectives, special and general subjects within a particular jurisdiction and powers established by the presence of the set of general purpose – effective opposition to domestic violence.

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ЕЛЕМЕНТИ ПОВТОРНОСТІ У СЛІДЧІЙ ДІЯЛЬНОСТІ

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ELEMENTS OF THE REPETITIVENESS IN THE INVESTIGATIVE ACTIVITIES

У статті розглядаються організаційно-тактичні елементи повторності у слідчій діяльності як умови щодо досягнення ефективності при розкритті та розслідуванні злочинів.

The article examines the organizational-tactical elements of repetition in the investigative activities that should be viewed through the development of needs of investigative practices and theories of criminology. In this connection, the present requirements of investigative practices are dictated by the new conditions and needs of the organization of the investigative work in condition of its repetition.
Organizational-tactical elements of repetition in the investigative activities, according to the author, will improve the work of the inspector and to create appropriate conditions for achieving effective results for the detection and investigation of criminal cases. These elements, according to the author, are:
1. Organizational aspects of repetition in investigative activities;
2. Psychological bases of repetition of the investigative activities;
3. Tactical content again of repetition in investigative activities.
These elements are divided into sub-replicates in the investigative activities.
In a scientific paper are presents a survey of investigators on the organizational and tactical elements of repetition in the investigative activities.
Based on the analysis of the contents of the scientific article, it is worth noting that the organizational and tactical elements of repetition in investigative activity disclosure and investigation of crimes have their place taking into account the needs of investigative practices and the development of forensic science in the context of modern methods of combating crime.

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РОЗСЛІДУВАННЯ ЗЛОЧИНІВ, ПОВ'ЯЗАНИХ ІЗ КОРУПЦІЄЮ

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INVESTIGATION OF CRIMES CONNECTED WITH CORRUPTION

У статті розглядаються особливості планування розслідування злочинів, пов'язаних із корупцією. Проаналізовано основні принципи планування. Визначено головну роль планування під час розслідування корупційних злочинів, а також розкрито внутрішню структуру процесу планування.

The article looks through the specialities of the planning the investigation of the crimes, related to corruption, basic planning principles and their significance. Specificity of the corruption crimes shows that they are characterized by the complexity of detection the signs of proving process and by the diligence of planning the investigation.
Planning is seen as an organizational, creative work of the investigator, which includes: the search and investigative leads; information, which should be established for the review; the number of the investigational actions; conditions which should be established by the operative ways and others. The basic overseen principles of investigation planning are : individuality; dynamic; reality; concreteness; informative, and also the system of basic circumstances which should be proved in the cases of the corruption crimes.
It is motivated that the plan is the complex of the informative, tactical, organizational and procedural solutions, which require the optimal order, sides, means, methods and concrete performerи, investigators, search operations and other operations and tactics. The organization of the investigation - is a coordinated plan, of the collaboration between investigator, operatives, specialists, experts, staff supervisory bodies with the accounting of all the criminal cases which are under the proceedings of the investigator.
It was also considered the internal structure of the planning process for its respective stages and was given their characteristics, concrete measures, which are necessary to be planned in the first place, additions to the investigations that should include their purpose, conditions, place and time, the content of the preparations, participants of the actions, tactics and technical means for fixing the results.

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РОЛЬ ІНФОРМАЦІЙНИХ РЕСУРСІВ ОРГАНІВ ДПС УКРАЇНИ ПРИ ВИЯВЛЕННІ КРИМІНАЛЬНИХ ПРАВОПОРУШЕНЬ, ПОВ'ЯЗАНИХ ІЗ ЛЕГАЛІЗАЦІЄЮ ДОХОДІВ, ОДЕРЖАНИХ ЗЛОЧИННИМ ШЛЯХОМ

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ROLE OF INFORMATION RESOURCES OF ORGANS OF GOVERNMENT TAX SERVICE OF UKRAINE IN THE PROCESS OF DETECTING OF CRIMINAL OFFENSES RELATED TO THE LEGALIZATION OF PROCEEDS GAINED BY CRIMINAL PURSUITS

У науковій статті досліджуються особливості застосування інформаційних ресурсів органів державної податкової служби України в процесі виявлення кримінальних правопорушень, пов'язаних із легалізацією доходів, одержаних злочинним шляхом.

In the scientific article probed the feature of application of informative resources of organs of government tax service of Ukraine in the process of exposure of crimes of the profits of got related to legalization by a

criminal way.
Analyzes the historical development and international experience in detecting criminal offenses related to the legalization of proceeds from crime.
The issue of legalization of proceeds from crime, which refers to actions aimed at concealing or disguising the illicit origin of funds or other property or possession rights to such funds or property, arising, location, relocation, and acquisition possession or use of money or other property, if a person realizes that they have income in order to legitimate the possession, use or disposal of the proceeds or actions taken to conceal the sources of such income. The main tasks and functions of State Fiscal Service of Ukraine in the fight against money laundering, proceeds of crime. Considered in forming and filling information resources tax authorities of Ukraine and legal support. Analyzed the information systems used by the tax police to identify and expose criminal offenses related to the legalization of proceeds from crime can be used different information.

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ДЕТЕРМІНАНТИ КОРУПЦІЙНИХ ПРАВОПОРУШЕНЬ У РОЗРІЗІ ПРОТИДІЇ КОРУПЦІЇ В ПОДАТКОВИХ ОРГАНАХ

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DETERMINANTS OF CORRUPTION OFFENSES IN THE CONTEXT OF COUNTERACTING CORRUPTION IN THE TAX AUTHORITIES

У статті досліджуються причини та умови, які сприяють вчиненню корупційних правопорушень працівниками податкових органів та наведено їх класифікації. На основі національного та міжнародного законодавства визначено зміст поняття корупції. Запропоновано напрямки запобігання корупційним правопорушенням у податкових органах України

The article investigates the causes and conditions conducive to corruption offenses employees of tax authorities and their classification. These reasons include lack of integrity level tax officials, inadequate administrative procedures, the presence of civil servants wide range of discretionary powers of wage disparity of power of tax officials adverse Status of the low effectiveness of measures taken by law enforcement agencies, prosecutors and courts on bringing perpetrators of corruption offenses to justice, tolerance and lack of critical public attitudes to corruption, perception of corruption Determinants of corruption crimes, which include political, economic, legal, organizational, administrative, social and psychological criminogenic factors.
On the basis of national and international legislation defined content of the concept of corruption.
The activity of internal security departments on the implementation of the system of control over the tax officials in the performance of official duties and to establish new requirements for the management of the people on prevention, detection and suppression of corruption and eliminate conditions for their commission.
The directions of prevention of corruption offenses in the tax authorities of Ukraine.

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РОЛЬ ОПЕРАТИВНОГО ПОШУКУ В ОТРИМАННІ ДЖЕРЕЛ ПЕРВИННОЇ ІНФОРМАЦІЇ

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THE ROLE OF OPERATIONAL SEARCH IN OBTAINING OF SOURCES OF PRIMARY INFORMATION

У статті досліджено підходи до розуміння поняття джерел інформації про злочин. Проведено класифікацію джерел первинної інформації про ознаки вчинення злочинів у сфері оподаткування під час проведення оперативного пошуку оперативними підрозділами податкової міліції.

The article explores approaches to understanding the concepts of sources of information about crime. The classification of primary sources of information about the characteristics of crimes in the sphere of taxation during operational search the operational units of the tax police.
It should be noted that the signs that indicate the possibility of committing tax crimes, only then may be operative interest, the deviation will be analyzed in comparison with the similar laws carrying out financial transactions. This implies that in addition to collecting information about the signs, it is necessary to ensure the organization of activities for entering information about similar lawful operations.
It was found that the information contained on physical media, becomes relevant only when it is received by the particular subject knowledge. The value of this information depends on the skill of the subject - User information.
In an analysis of the operational situation in the field of taxation, the experience and results of the operational units of the tax police to identify the main author of the tendency of tax evasion that has developed in recent years.

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ОСОБЛИВОСТІ РОЗСЛІДУВАННЯ ШАХРАЙСТВА З ФІНАНСОВИМИ РЕСУРСАМИ
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FEATURES OF INVESTIGATION OF FRAUD WITH THE FINANCIAL RESOURCES

У статті висвітлені проблемні аспекти організації розслідування шахрайства з фінансовими ресурсами та запропоновані шляхи їх вирішення.

The article highlights the problematic questions of the organization of fraud investigations with the financial resources and proposed the ways to solve them.
Is noted that the criminal situation in economy of Ukraine demands substantial improvement activities of law enforcement bodies concerning investigations these crimes.
Analysis of the practice shows that professionalism of criminals their corruptive ties orientation in the tax and banking legislation, accounting and other similar factors create conditions for the countering of these crimes to investigation which in turn would necessitate increase of level organizations investigative work.
Substantiated that while investigating financial fraud must take into account the peculiarities of legal regulation and mechanism of the banking system and its workflow features, particularly associated with the use of computer technology. The main tasks of investigation are systematization and analysis of evidence in criminal proceedings consistent definition of tasks based on scientific methods of investigation and potential use of forensics, criminology, criminal and other legal sciences in the study of the case.
Determined that the circumstances, to a large extent, determine the range of forensic significant problems associated with providing effective detection and investigation of fraud involving financial resources.
The need for an in-depth study of jurisprudence, the analysis of the investigative and judicial errors, develops new science-based methods of investigating fraud involving financial resources and forensic relevant recommendations.

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ТИПОВІ СЛІДЧІ СИТУАЦІЇ ПРИ РОЗСЛІДУВАННІ НЕНАЛЕЖНОГО ВИКОНАННЯ ПРОФЕСІЙНИХ ОБОВ'ЯЗКІВ МЕДИЧНИМИ ПРАЦІВНИКАМИ
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TYPICAL INQUISITIONAL SITUATIONS AT INVESTIGATION OF IMPROPER IMPLEMENTATION OF PROFESSIONAL DUTIES BY MEDICAL WORKERS

Стаття присвячена визначенню змісту типових слідчих ситуацій початкового етапу кримінального провадження за статтею 140 Кримінального кодексу України. Розглянуто критерії класифікації слідчих ситуацій початкового етапу розслідування неналежного виконання професійних обов'язків медичними працівниками.

The article is devoted to defining the content of typical investigative situations initial stage of criminal proceedings for improper performance of professional duties by medical personal.
It is noted that the typical investigative situations that arise at the initial stage of the proceedings, is an essential element methods of investigating these crimes, because its orientation affect the nature, amount and sources of information known to the investigator at the beginning of the investigation, which in turn determines the content of investigators versions.
At this stage of the investigation highlighted version in the scope and nature of medical records as one of the main sources of procedural evidence, depicting the progress and results of treatment, as well as setting range of people involved in personal injury or life of the patient, depending on the source, which obtained information about specified act, and on whether the person conducting the preliminary investigation, the fact that a sufficient negative consequences.
Given the multi-stage treatment, the investigation is recommended to establish the nature of actions taken by each medical worker, and how they have influenced the course of treatment and its outcome. To point out that the typical investigative situations investigation of these crimes vary depending on how they occurred.
It is concluded that the typical investigative situations initial phase of the investigation of improper performance of professional duties by health workers can be quite varied and depend on the criteria of differentiation, which is important for the development of guidelines to persons engaged in pre-trial investigation.

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КРИМІНАЛІСТИЧНА ХАРАКТЕРИСТИКА ОСОБИ НЕПОВНОЛІТНЬОГО ЗЛОЧИНЦЯ

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CRIMINALISTIC CHARACTERISTIC THE INDIVIDUAL JUVENILE OFFENDER

У статті розглянуто питання криміналістичної характеристики особи неповнолітнього злочинця. Акцентується увага на багатоаспектності даного питання. Розглянуто основні чинники, що впливають на вчинення злочинів неповнолітніми, та соціально-психологічні аспекти формування особи неповнолітнього злочинця.

The article is devoted criminological characteristics of individual juveniles as well as the main factors affecting juvenile delinquency. Circumstances considered to be established in the criminal proceedings against juveniles under the Criminal Code of Ukraine. Specifies the significant influence of the environment on the formation of individual juveniles, which are fixed and enhanced anti-social attitudes and habits. In particular, there is a negative factor in family problems affecting adolescents, weak role of the school in socialization, which provides not prepare young people for productive activities, because a third of convicted juveniles to commit crimes were generally beyond the control of the society because they do not learn and did not work. The problem of identity is the use of free time, which dominates and plays a negative role of television and other media that promote cruelty, violent patterns of behavior, personal needs due to criminal behavior.
Attention is drawn to the fact that juveniles dominated by informal sources of formation of legal knowledge, afishuvannya own negative qualities, individualistic interests, the overwhelming tendency to pleasure and entertainment.

Remains topical approach of the biological and social to the individual, ie congenital and acquired, the impact on the behavior of juvenile mental abnormalities that can generate such negative qualities as cruelty, aggression.

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ІНСТИТУТ КРИМІНАЛІСТИЧНОЇ ПРОФІЛАКТИКИ:
ВИНИКНЕННЯ, РОЗВИТОК, СУЧАСНИЙ СТАН

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INSTITUTE OF CRIMINOLOGICAL PREVENTION:
ORIGIN, EVOLUTION, CURRENT STATUS

У статті розглядаються етапи виникнення й становлення криміналістичної профілактики злочинів, а також досліджується її розвиток у системі криміналістики.

In the article considered stages of the emergence and development of forensic crime prevention, and examines its development in the forensic system. Forensic prevention as one of the research areas of criminalistic, designed to develop recommendations for establishing the circumstances that contributed to the commission of certain types of crimes that led to the inquiry, and the application of preventive measures forensic methods, techniques and means.
The problem of forensic crime prevention and crime of 20-30th years of the twentieth century to the present time examined. In particular, it was noted that a long period in criminalistic has been neglected issue of crime prevention and in determining the object and objectives of criminalistic, the prevention is not even mentioned and criminalistic seen only as the science of the ways and means of solving crimes.
It is noted that the earlier tasks of forensic prophylaxis were not only to identify the causes and conditions that led to the crime, but they had to settle prognostic tasks in the fight against crime.
In the article paid attention to the development of forensic prevention and its establishment as a separate institution. In general, the purpose of this article is to study the historical stages of development of forensic crime prevention and to determine its place in criminalistic.
Forensic prevention of crime and delinquency has a long history, was a difficult and thorny path to a stable existence in the system of criminalistic of Ukraine and not without attention to the present time.

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LEGISLATIVE REGULATION OF ACTIVITY OF THE INVESTIGATOR AT THE INITIAL STAGE OF PRE-JUDICIAL INVESTIGATION

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ЗАКОНОДАВЧЕ РЕГУЛЮВАННЯ ДІЯЛЬНОСТІ СЛІДЧОГО
НА ПОЧАТКОВОМУ ЕТАПІ ДОСУДОВОГО РОЗСЛІДУВАННЯ

The elevance of article is that activities for investigation of crimes, in communication come into force of a new CPC of Ukraine, stay in the conditions of essential reforming that demands development of new standard programs of the organization of work. Changes which brought in the Criminal procedural code of Ukraine, redistribution and emergence of new spheres of procedural influence on activity of the investigator (activation of opportunities of the defender on the criminal proceedings, new functions of the prosecutor, appearance of the new subject of criminal trial – the investigator, new procedure began investigations, etc.), lead to emergence of a number of organizational and tactical questions answers on which the science yet didn't give.
At establishment from various sources of signs of criminal offenses the investigator first of all has to act,

at the initial stage, according to the algorithms recommended by criminalistic science. By the author are considered the general algorithm of activity of officials according to the Art of 214 CPC of Ukraine stated in item 1 to occasions: the statement, the message and identification by the investigator, the prosecutor of data on circumstances testifying to commission of a criminal offense. The conclusion that changes in the criminal procedure legislation influence algorithm of activity of the investigator and according to it timely, new scientific researches as general bases of the organization of tactics of the initial stage of pre-judicial investigation, and algorithm of activity of the investigator by separate types of crimes are necessary.

У статті розглянуто алгоритм дій слідчого на початковому етапі досудового розслідування за КПК України.

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THE SIMPLIFIED PRODUCTION IN STRUCTURE OF CRIMINAL TRIAL OF UKRAINE

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СПРОЩЕНЕ ПРОВАДЖЕННЯ У СТРУКТУРІ КРИМІНАЛЬНОГО ПРОЦЕСУ УКРАЇНИ

In article it is noted that the structure of criminal legal proceedings is made by criminal procedural proceedings which divide process down together with stages which divide process across. The modern Criminal procedural code of Ukraine divides all criminal trial into two parts: pre-judicial production and judicial production with what we, of course, can't disagree as the majority of the authors who have devoted the works to problems of pre-judicial and judicial production. Besides, the author says that that we can't ignore the concept of stage-by-stage criminal trial of Ukraine which differs among themselves tasks, subjects, procedural activity and final proceeding decisions by means of which further destiny of criminal trial the decision is made: or it declines, or passes into the following stage.
In article it is noted that pre-judicial production includes pre-judicial investigation. In particular, in item 5 p.1 Art 3 of the Criminal Procedure Code of Ukraine is given definition of preliminary investigation as stages of criminal proceedings which begins with the moment of introduction of data on a criminal offense in the Unified register of pre-judicial investigations and comes to an end with closing of criminal proceedings or the direction in indictment court, the petition for application of coercive measures of medical or educational character, the petition for release of the person from criminal liability. Judicial production includes: 1) judicial proceedings in the first instance (the Section IV Criminal Procedure Code of Ukraine); 2) legal proceedings on revision of judgments (the Section V Criminal Procedure Code of Ukraine) which includes: a) production in court of appeal instance) production in court of cassation instance in) production in the Supreme Court of Ukraine) productions on again circumstances; 3) implementation of judgments.

У науковій статті розглядаються проблемні питання кримінального процесуального провадження в структурі кримінального процесу України на стадіях досудового розслідування та судового розгляду.

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CRIME IN THE AREA OF COMPUTERS, COMPUTER SYSTEMS, COMPUTER NETWORKS AND TELECOMMUNICATION NETWORKS: CRIMINAL LEGAL ANALYSIS

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ЗЛОЧИНИ У СФЕРІ ВИКОРИСТАННЯ ЕЛЕКТРОННО-ОБЧИСЛЮВАЛЬНИХ МАШИН (КОМП'ЮТЕРІВ), СИСТЕМ ТА КОМП'ЮТЕРНИХ МЕРЕЖ І МЕРЕЖ ЕЛЕКТРОЗВ'ЯЗКУ: КРИМІНАЛЬНО-ПРАВОВИЙ АНАЛІЗ

This article analyzes the object, the objective aspect, the subject, the subjective aspect and the specific features as to determination of the nature of crimes provided for by Articles 361-3631 of the Criminal Code of Ukraine.
The relevancy of criminal and legal analysis of the said above crimes stems from the fact that the specific features of the wording of the provisions of the Criminal Code of Ukraine to the certain extent make it complicated and in some cases almost impossible to use them, cause their ambiguous interpretation by the officers of the law enforcement and judicial authorities, occurrence of errors in the course of determination of the nature of crimes, etc.
In this regard, the debatable questions as to the object of the indicated crimes are examined and it is proposed that the direct object shall be the information relations in the area of computerized information. When analyzing the objective aspect of the crimes the author has systemized the certain types of the computer crimes that cause significant damage to individuals and legal entities but the responsibility for those crimes is not provided for in any of the Articles 361-3631 of the Criminal Code of Ukraine. The other elements of the examined crimes, their qualifying elements, the separate issues related to qualification when there is competition in the norms have been studied and the corresponding proposals have been offered.
The perspective in this aspect is implementation of the Recommendations of the United Nations On Combating Cybercrime. In particular, it encompasses development of the technologies aimed at prevention and investigation of cybercrimes, involvement in location of the priorities and the ways to solve the problems in lawmaking, holding of the necessary consultations, workshops, publication of the corresponding literature, etc.

У статті аналізуються об’єкт, об’єктивна сторона, суб’єкт, суб’єктивна сторона та особливості кваліфікації злочинів, передбачених статтями 361–3631 Кримінального кодексу України.

ЦИВІЛЬНЕ, ГОСПОДАРСЬКЕ, ЗЕМЕЛЬНЕ ТА МІЖНАРОДНЕ ПРАВО

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СТАНОВЛЕННЯ ІНСТИТУТУ ПРЕДСТАВНИЦТВА У ЦИВІЛЬНОМУ ЗАКОНОДАВСТВІ УКРАЇНИ

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BECOMING OF THE INSTITUTE OF REPRESENTATION IN CIVIL LEGISLATION OF UKRAINE

У статті розглядаються проблемні питання визначення поняття і сутності інституту та правовідносин представництва у цивільному праві України. Аналізується концепція представництва у її динаміці від ЦК УРСР 1922 р. до ЦК України 2003 р. Визначаються чинники впливу на формування зазначеної концепції та тенденції, що мають місце у цій галузі.

The paper reveals the problem issues and definition of the nature of the institute and legal representation in civil law of Ukraine. It analyzes the concept of representation in the dynamics of the Central Committee of USSR in 1922 to the Central Committee of Ukraine in 2003. It has been defined that the factors that influenced the formation of the mentioned concepts and trends that are occurring in this area. Also, some signs of representation have been characterized. The attention is drawn to the fact that the definition of representation contained in Art. 237 Civil Code of Ukraine emphasizes that the relationship is a representation, in which representative commits transactions from another side. Analysis and interpretation of such a formulation allows us to several fundamentally important conclusions on the current understanding of the representation nature.
These and other features are typical representatives of the Institute of civil legislation of Ukraine and give grounds to conclude that the gradual formation of its syncretic concept, which is based primarily on the legislative experience of Germany, France and others Western European countries, which, in turn, are actively took achievements of Roman private law. It should be added that the formation of the modern

concept of representation takes place in the context of the general concept of civil law transformation of Ukraine, which began after the economic and political changes in the end of the XX century and is reflected in the Civil Code of Ukraine, which from the beginning was seen as the Code of Private Law, that is based on the achievements of not only national but also international law in the field of civil law.

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ЦИВІЛЬНІ ПРАВОВІДНОСИНИ ІНТЕЛЕКТУАЛЬНОЇ ВЛАСНОСТІ ТА ЇХ КЛАСИФІКАЦІЯ

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CIVIL LEGAL RELATIONSHIP OF INTELLECTUAL PROPERTY AND THEIR CLASSIFICATION

Стаття присвячена проблемним питанням класифікації правовідносин інтелектуальної власності. Автором запропонована власна класифікація цивільних правовідносин інтелектуальної власності. У статті проаналізовано специфіку кожного з різновидів зазначених правовідносин.

The article is devoted to the problematic issues of legal intellectual property. The author proposes the classification of intellectual legal civil property. This paper examines the specifics of each of these relationships types.
The study aims to classify the intellectual legal civil property due to their specific characteristics. Since the nature and properties of relations are largely determined by their specific features. The contents constitute legal patent rights and authorized obligations of their members.
It has been analyzed the legal patent rights specifics of authorized persons on the objects of these relations. They arise only after ceasing government agencies and patent. The patent - is a set of exclusive rights granted by a sovereign state to an inventor or assignee for a limited period of time in exchange for detailed public disclosure of an invention. An invention is a solution to a specific technological problem and is a product or a process. Patents are a form of intellectual property.The patent is accompanied by the establishment of organizational relationships, within which there is a special procedure of such facilities legitimization.
In this scientific paper argues that the legal relations of legal relations that are related to industrial property must belong legal relations arising from the specific results of intellectual activities related to industrial property, but that cannot be attributed to industrial property (innovations, discoveries, layout of integrated circuits, trade secrets (know-how).
We study, as well as the legal relationship that arises between the civilian parties' relationships that have rights to these objects in the law, and all other persons who are required not to violate these rights.

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ПОНЯТТЯ ТА ХАРАКТЕРИСТИКА ДОГОВОРУ ПРО ПРОВЕДЕННЯ ЛАНДШАФТНО-ДИЗАЙНЕРСЬКИХ РОБІТ

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THE CONCEPT AND CHARACTERISTICS OF THE CONTRACT OF LANDSCAPE DESIGN WORKS

У статті на основі аналізу тенденцій сучасного дизайну та ринкової кон'юнктури щодо його результатів й, відповідно, положень глави 61 ЦК України викладені авторські підходи до врегулювання відносин, які виникають на підставі договорів на проведення ландшафтно-дизайнерських робіт. Встановлена правова природа такого договору, надана його характеристика,

а також рекомендації щодо подальшого позитивного регулювання. Розроблене доктринальне поняття договору на проведення ландшафтно-дизайнерських робіт.

The article based on an analysis of modern design trends and market environment in reference to its results, and in accordance with the provisions of Chapter 61 Civil Code of Ukraine presented author's approach to regulation of relations arising based on the contracts to conduct landscape-design work. The determined legal nature of this treaty, given its characteristics, as well as recommendations for subsequent regulation. The developed doctrinal concept contract for a landscape-design work. It is noted that the relationship between customers and developers and / or performers landscape and design works so far, except for contracts not covered by legislation and regulations are subject to regulation: a) the general rules of succession; b) the rules of intellectual property, if the result falls within the requirements that apply to intellectual property rights. Under such contracts are usually mixed and complex. In addition, the choice of the designer focused on the customer or its unique architectural style has made original works, reviews of these customers, recommendations, available to the designer, and ready for implementation copyright projects. As a result, there are fiduciary relationship and the designer must personally perform design work and monitor the work of the project implementation on specific customer.
The author concludes that, depending on the characteristics he may be the only cover while working on the improvement of facilities and local area or part thereof, or specific varieties.

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ГЛАСНІСТЬ ЯК ОДИН З ПРИНЦИПІВ ЦИВІЛЬНОГО СУДОЧИНСТВА
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TRANSPARENCY AS A PRINCIPLE OF CIVIL PROCEEDINGS

У статті розглядається реалізація принципу гласності цивільного судочинства, питання про зміст принципу гласності цивільного судочинства.

In the article examined realization of principle of transparency of the civil rule-making, a question is examined about maintenance of principle of publicity of the civil rule-making. Important role in the mechanism of law is the judicial system, which is designed to protect the rights and freedoms and ensure legal stability. This problem contributes to the implementation of the principle of publicity of proceedings, guarantee human rights protection instrument real public control over the activities of the judiciary.
Based on the characteristics of the principle of transparency in civil proceedings, analyzes its scientific views on the concept and content of civil legal doctrine. In foreign court publicity and access to various points of justice, transparency is considered in the narrow and broad sense. It is noted that the principle of transparency is organically linked to the principle of access to justice and is intended to facilitate its implementation. However, access to justice is developing public confidence in the judiciary in charge of promoting public awareness of the courts and their immediate activities.
The connection with the other principles of transparency, namely: openness, orally, spontaneity civil litigation and more. Indissoluble connection of all principles of law that on the one hand ensures the functioning principles, but on the other - the principles of providing the law proved.
The principle of transparency of justice is a comprehensive requirement for «transparency» of the judiciary and guarantee, in conjunction with other principles, respect for the judiciary law. Transparency is the principle and the control function of the judiciary power branch.

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ПРИМУСОВЕ ЛІЦЕНЗУВАННЯ ВИКОРИСТАННЯ ОБ’ЄКТА ПРАВА ПРОМИСЛОВОЇ ВЛАСНОСТІ В УКРАЇНІ
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COMPULSORY LICENSING THE USE OF INDUSTRIAL PROPERTY RIGHTS IN UKRAINE

У статті на підставі аналізу положень законодавства України, міжнародних актів, законодавства Російської Федерації та Республіки Білорусь визначено особливості та умови надання примусової ліцензії на використання об’єктів права промислової власності.

The article is based on an analysis of legislation of Ukraine, international acts, the legislation of the Russian Federation and the Republic of Belarus defines the features and conditions for granting a compulsory license for the use of IPRs.
The other negative effects may occur in case of abuse rightful copyright holder exclusive rights of intellectual property. Unfounded refusal to allow the use of industrial property, non-results of intellectual activity without good cause may violate the rights and interests of bona fide users, consumers, create obstacles to the development of industrial production and so on.
One way to balance the interests of intellectual property rights and those interested in using the results of intellectual activity, issuing a compulsory license.
A compulsory license is one of the reasons acquiring rights to use intellectual property rights for a specified period, within the prescribed limits. Given that compulsory license is contrary to the consent of the patentee, the importance of determining the conditions of its receipt, setting the grounds for its provision.
An important condition for the use of intellectual property rights is the consent of the owner. However, the current legislation provided for cases where such use can take place without the consent of the creator or his successors. Such cases can be divided into two categories:
First, it is fair use of intellectual property rights of ways and to the extent permitted by law.
Second, it is for you to use intellectual property rights by the competent public authorities (obtaining compulsory license).
Separate issue compulsory licensing in the field of industrial property in need of further investigation and appropriate regulation.

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ПРАВО ГРОМАДЯН НА ВІДШКОДУВАННЯ ШКОДИ, ЗАДАНОЇ ВНАСЛІДОК ДЕФЕКТУ В ПРОДУКЦІЇ

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THE CITIZENS' RIGHT TO COMPENSATION FOR HARM CAUSED BY A DEFECT IN THE PRODUCT

У статті проведено аналіз відносин щодо відповідальності за шкоду, завдану потерпілому внаслідок дефекту в продукції, яка вводиться в обіг в Україні, а також випадки звільнення від відповідальності. Досліджено інститут якості продукції, який розглядається як економічна категорія, як сукупність властивостей та ознак виробів і процесів, що обумовлюють ступінь її придатності до використання за призначенням.

The paper has been analyzed the relationship on liability for damage suffered as a result of the defect in the product is put into circulation in Ukraine, as well as exemptions from liability. Research institute of the quality of products, which is seen as an economic category as a set of properties and characteristics of products and processes which determine the degree of suitability for intended use.
In the article attention is accented on that the state must protect all rights and legal interests of persons, except for exceptions, set a law. Such cases is application of measures of providing of participation of persons during pre-trial investigation, which consist in limitation of rights and legal interests and other measures and obligate the subjects of criminal process to take part in him with the purpose of the effective opening and investigation of criminal offences.
Importance of application of measures of providing of participation of persons during pre-trial

investigation consists in that they are directed on the rapid and complete opening of criminal offences and exposure of persons, guilty in his feasance, establishment of reasons of perfect criminal offence and terms, which instrumental in it, and use of measures, to their removal.
A situation which was folded in the process of application of measures of providing of participation of persons during pre-trial investigation is characterized insufficiency normatively legal bases, in particular, in part of clear regulation of process of application of some measures of providing of participation of persons and unsettled of such measures in the criminal judicial legislation of Ukraine.
In connection with the necessity of increase of efficiency and effectiveness of pre-trial investigation, realization of judicial norms, in relation to defence of rights and legal interests of person there is a requirement in the scientific ground of the use of measures of the judicial providing of participation of persons during pre-trial investigation.

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ПРАВОВИЙ СТАТУС ЛІКВІДАЦІЙНОЇ КОМІСІЇ В УКРАЇНІ

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LEGAL STATUS OF THE LIQUIDATION COMMITTEE OF UKRAINE

У статті проведений аналіз теоретичних і практичних питань, пов’язаних із створенням, функціонуванням, правами та обов’язками ліквідаційної комісії при здійсненні ліквідації юридичної особи, що має суттєве значення в умовах ринкової економіки. Проведений аналіз проблемної ситуації показав, що виконання основних завдань цього органу в контексті забезпечення механізму припинення діяльності суб’єктів господарювання потребує усунення проблем у цьому процесі.
Через узагальнення правової бази та аналіз практичного досвіду в даній сфері внесені практичні пропозиції, які можуть бути використані для вдосконалення нормативно-правової бази, яка регулює процедури створення та діяльності ліквідаційної комісії для правового забезпечення процедур припинення суб’єктів господарювання.

The article gives the analysis of the theoretical and practical questions, connected with the creation and functioning of the committee, and also it tells about the rights and duties of the liquidation committee while implementation of the liquidation of the legal entity, what has the great meaning in the conditions of the market economy.
The analysis of the problem situation showed that the performance of the main tasks of this body in the context of providing the mechanism of the stopping of the activity of the business entities which needs to remove the problems in the process.
After the summarizing of the legal framework and analysing the practical experience in this area were made the practical suggestions, which can be used to improve the legal framework basis, which regulates the procedures of the creation and the activity of the liquidation committee for the legal support of stopping the procedures entities.
The procedure of the liquidation of economic entities is a quite long and complicated from a legal point of view, at that time the imperfection of the legal regulation creates the problems on practice. Resolving the existing problems in this sphere is only possible by making the complex amendments to existing legislation in this area.
There is no legislative act which could regulate the composition of the liquidation commission in the case of the voluntary liquidation of the enterprise.
One of the ways to resolve the question of regulation of the liquidation committee work, according to the author, may be working out by the owner the Regulation on the development of the liquidation committee.

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ЗЕМЕЛЬНА РЕФОРМА ТА ЗЕМЕЛЬНІ ВІДНОСИНИ В УКРАЇНІ

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LAND REFORM AND LAND RELATIONS IN UKRAINE

У статті автором досліджений історичний розвиток земельних відносин на території України, проаналізований зарубіжний досвід та роль держави у цих процесах шляхом здійснення земельних реформ.

In the article the historical aspect of the land reforms is analysed on Ukrainian lands, state land relations of present Ukraine, basic directions of reform processes are certain, experience of separate countries of the world in relation to reformation of the land relations. Marked, that the tasks of the land reform are extremely wide and multifaceted. Thus key position in reformation of the land relations is occupied by privatization of lands. But the important next task of the land reform is introduction civilization market circulation lands .of agricultural function.
Author emphasis is given to the peculiarities of functioning market circulation of land in England, Germany, France and Japan. Based on their experience highlighted the need to strengthen the role of the state to implement economic life of the earth, and to avoid crushing of agricultural land, and their possible increase in their market circulation.
It is marked on importance of maintainance of the soil cover of lot lands in the process of reformation of the land relations. To this end organization rational, complex and ecological and safe use of the land resources would be the most acceptable and significant result of the land reform. Such reform transformations answered conception of steady development, which was defined by conference UNO of an environment and development, which took place in June in 1992 in Rio de Janeiro.

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ЗАХИСТ ПРАВ ІНТЕЛЕКТУАЛЬНОЇ ВЛАСНОСТІ: ЗАКОНОДАВЧИЙ АСПЕКТ

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INTELLECTUAL PROPERTY RIGHTS: THE LEGISLATIVE ASPECT

У статті розглядаються актуальні питання щодо адміністративно-правового регулювання захисту права інтелектуальної власності в умовах адаптації законодавства України до міжнародного права.

Pressing questions are examined in the article, related to the legal adjusting of defence of intellectual property in the conditions of adaptation of legislation of Ukraine to the international law.
The purpose of this article is to study the basic provisions related to the administrative and legal framework for protecting the intellectual property rights in Ukraine.
The most important aspect for the effective protection of intellectual property rights in Ukraine is the participation in the European and international structures and, above all, the status of associate member of the European Union.
Due to the requirements of the XXI century there is a need for a reliable system of intellectual property rights in Ukraine. Independent state can not exist without the full socio-economic basis for making the appropriate level of public policies which are aimed to include intellectual property rights. Ukraine proclaimed the course of integration into the European Union and accession to the World Trade Organization, so it is also neccessary to ensure the enforcement of copyright and the related rights and industrial property at a level that exists in developed countries.
From the solution of the problem of creating an optimal system of administrative and legal protection of intellectual property rights in Ukraine depends the strength of the economic development to create the innovative models of modernization, increased competitiveness in the world.

On the basis of the theory of administrative and legal protection of copyright, international legal sources, national legislation, the emergence of teachings about the nature, content and structure of the intellectual property should be noted that in Ukraine is already formed the part of the mechanism of administrative and legal protection of intellectual property in terms of European integration, but In our opinion, further research is necessary to further this issue.
It is important to resolve the problem of intellectual property because of several factors: first, the desire of Ukraine to be not only the associate member, but also to get the status of a full member of the EU. It requires the necessary reforms and adaptation of national legislation to European and international standards, particularly in the field related to the protection of copyright and intellectual property. Secondly, one of the main priorities in the socio-economic development of society and the state today is intelligent, creative activity, the violation of which can put the great material and moral damages for physical persons (authors, performers), companies and the national economy and image of Ukraine; Thirdly, the development and establishment of the reliable national mechanism of protection of intellectual property in Ukraine will allow entities to realize their creative work right in full, what will increase investments in the country and strengthen its credibility in the international arena.

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ЗАСТАВА У ЦИВІЛЬНОМУ ПРАВІ УКРАЇНИ
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A MORTGAGE IN THE CIVIL LAW OF UKRAINE

У статті на основі ознак застави, що містяться у цивільному законодавстві, встановлюється легальне визначення застави у більш широкому розумінні ніж це дається в ст. 572 ЦК України та в ст. 1 Закону України «Про заставу».

The article established legal definition of mortgage in a wider sense than it is given in the Civil Code of Ukraine and the Law of Ukraine «About mortgage «. By analyzing the relevant acts, indicates that the formation of determining its content is narrower than the definition that is modular in nature and contains a number of laws in Ukraine.
It is noted that at its core mortgage has a complex theoretical nature, because it is a type of enforcement obligations, as well as a binding, contractual nature, so is therefore subject to the provisions on liability and on contracts.
The author defines the characteristic features inherent mortgage in Ukraine, and contained in the legislation of Ukraine. Separately drawn attention to the difference of bail in criminal proceedings against collateral in the civil legal sense.
On the basis of these signs of collateral offered a broader understanding of how this type of collateral (method) enforce the obligations which by virtue of contract, law or judicial decision gives the lender (mortgagee) right in the event of default by the debtor (mortgagor) the obligation secured collateral to obtain satisfaction of (current and future requirements) by the collateral (property and property rights that can be alienated mortgagor and which may be levied and property which the mortgagor will come after the occurrence of the collateral if the agreement so provides) primarily to other creditors of the debtor, unless otherwise provided by law.

ТЕОРІЯ ДЕРЖАВИ І ПРАВА, КОНСТИТУЦІЙНЕ ПРАВО

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ROLE OF LAW IN THE SOCIALIZATION OF PERSONALITY
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РОЛЬ ПРАВА У СОЦІАЛІЗАЦІЇ ОСОБИСТОСТІ

The article discusses and analyzes the social life of the individual as part of a social space which expands its social activities. The purpose of its article is to study in the philosophy of law, society as a system established, repetitive, hierarchic social relations of the person. The area of social life of the individual - it is a social order of deployment of his life in the social space, delineated by certain social boundaries. Un the article is highlighted the value relation of man to the world. The system of values that is defined as a set of the most important qualities of the internal structure of the individual is the foundation of consciousness and behavior and has a direct impact on its development. Also, it is mentioned the possibility of preserving the relationship between universalism and individualism's value when each individual subject finds its values without losing sight of the landmarks of moral and cultural development, as well as universally valid values. In jurisprudence there are different approaches to content, roles and functions in the system of legal socialization socio-cultural adaptation to the changing conditions of the individual development. Law defines the object of the regulation, which is the aspect ratio of the subjective and the objective can be represented as a semantic field. The article contains the author's thoughts about a personality and its place in society.

У статті розглянуто та проаналізовано дослідження у галузі соціального життя особистості як частини соціального простору, у якому розгортається її соціальна діяльність.