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24.06.2014 .

## РЕДАКЦІЙНА КОЛЕГІЯ

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*Кримінальний процес та криміналістика; судова експертиза;  
оперативно-розшукова діяльність*

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*Теорія та історія держави і права, міжнародне право*

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*This article analyzes and research of the right to obtain legal aid and his support in Ukraine and foreign countries, and to develop proposals for improving the current legislation.*  
**Keywords:** legal aid, lawyer, public protection bureau, solicitors, barristers.

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PDO [7, c. 45].

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*The article is devoted to prognostication in the organization of investigator's activities as the process of scientific assumptions of future state of criminality (investigative sector, special objects, etc.) based on the analysis of its characteristic features and behaviour of offenders. General concept of prognostication used by the investigators to schedule their own criminal procedural and preventive activities are considered and methods that are used at the same time.*

**Key words:** *criminal proceedings, prognostication, legal relationship, investigative versions.*

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- , ; , [10, .401]. . . ( ) , [19, .5].

- ( , , , .) [10, .401]. [9, .508].

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70- 90- [15].

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*situation/forecast*) – ( . *criminology* ) , ( ) , ( ) .

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2. 1938.- 6.- .74; / . . . // . . . - . . . . : . . . . / . . . . , . . . . -1- .- .,1940.- .131; . . . . : . . . . / . . . . , . . . . -2- .- .,1949.- .138.
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4. . . . . : . . . . - . . . . / . . . . - . ,1970.
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.53;55.
19. : . . . / . . . .-3- .,  
. - . : . . . ,2001.- .534.
20. : . . . / . . . .- .,1999.-36 .

*This article focuses on the mechanisms of judicial precedent in the sources of criminal procedural law of Ukraine and focuses attention on the conditions and challenges of this process. Quite described in detail the circumstances that lead to the development of judicial precedent as a source of criminal procedural law of Ukraine.*

**Keywords:** legal precedent, the court, case-form source, right.

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- [57, .72].
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*In the article on the basis of the comparison, generalization of scientific information on the concepts «expert», «specialist», «special knowledge», «criminal justice» author specified entity definitions used. Provided estimates of current legislation on the using the special knowledge in criminal proceeding.*

**Keywords:** *special knowledge, expert, specialist, criminal proceeding, proving.*

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.101, .356 , , 7  
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  2007. - . 9. - . 22-32.  
3. . . . . : . . . . / . . . . . - :  
- , 1986. - 152 .
  4. : : 25 1994 4038-XII//  
. - 1994. - 28. - . 232 ( : : 9  
2004 1992-IV). - 2005.
  5. . . . . /  
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*The article deals with the dedicated investigation of the situation in the criminal proceedings on crimes related to the forgery of notarial documents initially. Given the specificity of such crimes by the most common source of information on committed or prepared criminal offenses in notarial activities and simulated investigating the situation highlighted procedural actions as soon as possible to lead to the person on suspicion indicate gaps in the current legislation towards efficiency.*

**Keywords:** *investigative situation, criminal proceedings, pre-trial investigation, counterfeiting notarial document, the initial stage of the investigation.*



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3. . . . . : . . . . .  
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9. . . . . ( ' ) : . . . . . : . . . . .  
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/ . . . // - . -2013.- 1.- . 203-208.

343.985

*This article explores the concept and nature of investigation and judicial errors and factors that influence their occurrence. Grounded position on classification of transformation errors when making tactical decisions in investigating judicial errors. Investigated mentioned inner conviction investigative judge in the transformation errors.*

**Keywords:** miscarriage of justice, transformation errors inner conviction of the judge.



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3. / . - . : ,2003.-336 .

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  7. : 2013 . 5076-VI //  
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*The aim of the study is to improve the methodology for evidence collection in the course of pre-trial investigation of crimes; definition of the concept of “written procedural documents of pre-trial investigation” and “a form of a written procedural document in criminal proceedings”; identification and characterization of the features of creating certain types of written procedural documents and their usage during the pre-trial investigation of crimes.*

**Keywords:** *a written procedural document in criminal proceedings; a form of a written procedural document; pre-trial investigation of crimes; evidence collection.*

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9. : 5 2009 270 ( . ) .
10. , : 30 , 2011 . 1242. :
11. ( 4163-2003): ( ) : 7 2003 55.

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*The article is dedicated to the exploration of the component of subject of proof, that defined in paragraph 1 part 1 Article 91 of the CPC of Ukraine as «other circumstances of the criminal offense». It was analyzed the rules of the CPC of Ukraine and a number of foreign countries, the scientists' point of view on this issue, attention was drawn to the need of installation and research of elements of the subject of proof and their components which are typical for a particular criminal offense.*

**Keywords:** *criminal proceedings, the circumstances to be proved, the elements of proof, other circumstances of the criminal offense.*



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[10, с. 87; 11, . 191–193; 12, . 120].

[13, . 15].

[14, . 236].

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35 (23,6 %

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– 34 (23 %) –

– 29 (19,6 %),

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2 (4) 2016

– 28 (18,9 %),  
– 18 (12,2 %),

58 (39,2 %)

– 22 (14,9 %),

9 (6,1 %)

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*The scientific article is devoted to the question of the individual types of forensic examinations in the investigation of forcible sexual assault by unnatural means, committed against a minor.*

**Keywords:** *expertise, forensic examination, fingerprint examination, examination footprints, teeth, lips and nails, biological expertise.*



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*The article is devoted to the characterization and analysis of international legal acts concerning restrictions on rights and freedoms of man and citizen. After all, the problem of international legal regulation of restrictions of constitutional rights during the application of measures of providing of criminal proceedings is one of the most pressing issues in the study. Since there are legislative gaps, insufficient guarantees of the rights and freedoms of man, which not only complicates the work of law enforcement agencies and courts, and adversely affects the image of our country in the international arena.*

**Keywords:** *constitutional rights, limitation of rights, measures to ensure criminal proceedings, international standards, international legal act.*

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*The article focuses on the role and process of use of special knowledge in the investigation of criminal offenses in the form of a private prosecution. We consider the historical development of the emergence of expertise and use them in the investigation of criminal offenses in the form of a private prosecution.*

**Keywords:** private prosecution expertise, pre-trial investigation and criminal proceedings.

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*The article analyses the scientific approaches to the definition of criminal offenses related to terrorism, the author presents their definition of criminological characteristics defined, objective and subjective symptoms. Attention is paid to the value of this category in the criminal proceedings, including the investigation of socially dangerous acts of terrorist acts.*

**Keywords:** *terrorist acts, criminological characteristics, characteristics of terrorism socially dangerous acts, the criminal process.*



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258-1, 258-2, 258-3, 258-4 [9]. . .  
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259–261, 266, 277–280, 292, 341, 345, 346, 348–350, 439–441, 443, 444 ) [12, . 7].  
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*In the article the author researched the system of restriction of rights and freedoms of a person in criminal proceedings, their rights and duties. Examines each subject separately and their interaction with each other, which is aimed at achieving the main goals of criminal proceedings. Proposed a system of checks and balances and defined the hierarchical system of restrictions of rights and freedoms of the suspect, accused.*

**Keywords:** system, subject, restrictions, interactions, hierarchy, prosecutor, investigator, investigating judge.





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2. ( .237 ), ( .240 ), ( .234 ), ( .3 .245 ), ( .567 ), ( .260 ), ( .261 ), ( .262 ), ( .263 ), ( .264 ), ( .267 ), ( .268 ), ( .269 ), ( .270 ), ( .233 ).

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*The short stories of penal judicial law, related to activity of court of first instance in relation to proclamation and elucidation of court decisions in criminal realization, are examined in the article; the author going light up near maintenance of acceptance of court decisions as stage of judicial realization in the first instance and its constituents; suggestions are made on the improvement of penal judicial law in this aspect.*

**Keywords:** *criminal realization, court decisions, acceptances of court decisions, proclamation of court decision, elucidation of court decision.*

«...» ( ) [1; 2], [3], [4], [5], [6], [7].

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Fiscal Service of Ukraine*

## **ORIGIN OF INTERNATIONAL COOPERATION DURING CRIMINAL PROCEEDINGS AS LEGAL INSTITUTE OF COOPERATION: PAST AND PRESENT**

*The article is devoted of the process of international cooperation in criminal proceedings as a legal institution. Questions concerning international agreements in different periods of world culture, and also the international principles that serve as the basis for international cooperation of the criminal proceedings.*

**Keywords:** *international cooperation, agreement, principles, criminal proceedings.*

One effective support elements of civilized relations with other countries in combating crime and protecting the rights and freedoms of man and citizen is international cooperation states.

Cooperation between countries in specific matters phenomenon is not new and dates back to the reign of kings and emperors. Thus, even in 1296 BC The contract between the Egyptian Pharaoh Ramses II and Hittite king Hettushylem III was predicted typical situation: "If someone flee from Egypt and go to the country of the Hittites, the king of the Hittites be no delay, but will return to the country of Ramses" [12, p. 154]. It is worth noting that in history defined periods

conclusion of international agreements, namely the first period include a period of time as from ancient times to the end of the XVII century (agreements between England and Scotland in 1174, the Paris Treaty in 1303, the Union Treaty between France and Spain in 1612, Cathedral of the code in 1649 and others); the second period include a period of world history as the XVIII - beginning of XIX century (1833), namely contracts against the military of criminal offenses (Treaty between the United States and Great Britain 1734, 1802 Am'yenskyy agreement (an agreement between France, Spain and England); third period accounts for 1833 - 1919 years (first adopted laws on extradition, extradition and the prohibition of the slave trade); fourth period originates from 1919 to 1945 (distribution extradition treaties); fifth period begins with 1945roku to 1990, where there is fierce fighting criminal offenses against the peace and security of mankind; to include the sixth period 1990 to the present.

Coordination of States in combating certain types of criminal offenses and was known states of Ancient World and Middle Ages. Even then, one of the main types of cooperation was the signing of international agreements on extradition. During the period of slavery and feudalism were widespread bilateral agreements on extradition.

In this context it is worth mentioning Kievan Rus, which was an integral part of Ukraine. In the X century Kievan Rus concluded extradition agreements. For example, the agreement of the Grand Prince Oleg with Byzantium 911 provided that a person who committed a criminal offense in the Byzantine Empire, should be given punishment for home and Greeks - were published in Byzantium.

The spread of Christianity in Russia has led to various legislative and procedural criminal canonical norms. In addressing criminal proceedings for offenses Byzantine religious clergy that came to Kiev power to control the Church, took Gradskej law, which was published in the VIII century. It was imperative because at that time there was no law that would regulate religious criminal offense, and n Truth, like other secular laws were gaps of these issues.

The peculiarity of the ancient law was "unity" - the adoption of laws on princely congresses - cathedrals. Kievan Rus at that time consisted of many separate, geographically separated principalities both independently and those who did not have full independence. This forced to seek ways of cooperation and acceptance of the legal provisions acceptable to all stakeholders. Elements of international law are closely intertwined with national legislation and found in them a basis for creating conditions for further application [19, p. 18].

Before principalities were many problems that contributed to the adoption of legislation to address major challenges such as ensuring the solution of internal problems of each individual principalities; problems between them and achieve common political, economic and military interests. Adoption laws resulted in the agreed unified nature of the fundamental provisions of the law of Kievan Rus. Legislation adopted at the councils of sovereign principalities by agreement on the basis of already existing principalities in domestic law. These regulations can be viewed as a kind of international agreements principalities that contained the norms of international and domestic law, applied as domestic law in the territory of each principality [5, 230 pp.].

An important role in the institutions of international cooperation played n Truth, the text of which survives today as short truth in 1136 and 1209 Great truths. Article 11 Short truths install high procedural rules take measures to redress the crime. It should be noted that until now remained the summary and the Great Truth, which combined several different codes and regulate relations and activities of princes in Kiev and Novgorod. Mostly, they contain procedural rules and other elements of international law, as the principality were the subjects of the sovereign territory [11, 480 pp.].

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Note that the Ukraine at all stages of its history, tried to combine the common interests between the Slavic nations, kingdoms, church and other communities. It was necessary to quickly navigate the situation, develop coordinated action plans and improve forms of cooperation and provided legal assistance [12, p. 154].

The era of bourgeois revolution XVII-XVIII centuries for the first time in history pushed the state to the agreements, which were the subject of inter-state relations on the definition of illegal acts as an international criminal offense contrary to morality and threatens the development of international relations. The States Parties to such agreements commit themselves to not only recognize certain wrongful acts as international criminal offenses but also to cooperate in preventing, stopping and punishing such offenses for their commission. The first such agreements were international instruments to combat the slave trade and slavery. At the Congress of Vienna in 1815 adopted a Declaration on the abolition of trade Negro slaves, and then in 1841 at the initiative of England signed the so-called "five" Convention on the Prohibition of the slave trade. In 1890, the state had colonial possessions in Africa, signed the Brussels agreement on the prohibition of the slave trade. Later in the framework of the League of Nations and later the United Nations, adopted several international conventions against slavery and the slave trade [5, p. 230].

In 1845, the Russian Empire was enacted Penal Code, which for the first time in Russian legislation provided for the possibility of arrest of foreign assets, which served for committing criminal offenses. A separate article skipper responsibility envisaged that made the ship offender. In this case, the arrest of the vessel subject [8, p. 352].

At the end of the twentieth century, the problems of fighting international crime and the protection of property rights and compensation for damage criminal offenses attention is paid to the United Nations congresses. Article 13 of the Model extradition treaty, adopted December 14, 1990 by resolution 45/116 of the General Assembly, was called "transfer of ownership" [9, p. 217]. For the first time in the world it formulated a rule that "all found in the requested State property that was acquired as a result of the offense or may be required as evidence transmitted if requested by the requesting State if extradition is allowed" [17].

As a full member of the international community and Ukraine actively cooperate unconditionally with states and international organizations, not only on the fight against crime, but also preventing and eliminating all manifestations of transnational crime.

As you can see, international cooperation has always been a pressing issue for the international community, which in turn contributed to the improvement of international cooperation and its approval in almost all national legislations of the world. However, there are a number of issues that greatly affect our national legislation.

International cooperation is essential to maintain a balance in the world and positively influences the development of international society. But at the positive aspects are negative. One of the most negative effects of internationalization is a crime that is spreading its typical signs and displays in countries and regions for which they were not typical. In this connection, the competent authorities of one country are increasingly turning for help to the competent authorities of another country during the investigation of criminal offenses. [4]

According to Art. 542 Code of Ukraine, international cooperation - an activity authorized bodies during the criminal proceedings is to apply the necessary measures to provide international legal assistance through service of documents, execution of certain proceedings, extradition of persons who have committed criminal offenses, temporary transfer of persons takeover prosecution, transfer of sentenced persons and execution of sentences. [14]

The general definition of “international cooperation in criminal proceedings” is ambiguous, leading in turn to conflicts of law. This concept requires a clear definition and coverage of it in legal acts of Ukraine.

When making the handheld Ukraine legislator gave the definition of international cooperation as such, but only discussed its shape and general principles of international cooperation.

Please note that many scientists working on topics of international cooperation, its directions aspects of research, legal regulations, legal support, but the concept of “international cooperation” is not fully explored.

Such scholars as J.P. Alenin, P.D. Bilenchuk, O.I. Vinogradova, V.M. Volzhenkina, O.H. Volevodz, L.N. Halenska, V.M. Grebenyuk, Y. Groshev, K.F. Hutsenko, I.V. Lyeshukova, O.N. Lyashuk, N.I. Klimenko, V.S. Kuzmichev, V.T. Malyarenko, H. Marysheva, V. Milinchuk, V.T. Nor, V.P. Panov, M.I. Pashkovskiy, M.I. Smirnov, V. Tertyshnyk, V.P. Shybiko, V.P. Shupylov and others devoted their study various aspects of international cooperation in criminal proceedings.

During the reign of the Russian Empire, which included Ukraine, issues of international cooperation in criminal proceedings involved such prominent scholars as P.I. Lublin, F.F. Martens, D.P. Nicholas, E. Simson, I.I. Foynytsky. Under the rule of ideas benefits socialist bourgeois law over issues of international cooperation were dependent on the social system of foreign countries. But then such scientists as A.I. Bastrykin, N.T. Blatova, I.P. Blischenko, R.M. Valeyev, L.N. Halenska, V.K. Zvirbul, I.I. Karpets able to develop basic provisions emergence and development of the legal institution of international cooperation in criminal proceedings form the theoretical basis of this institution [15, p. 217].

Beginning the study of international cooperation should be said about the general concept as “cooperation” - is common with any activity, working together to achieve the goal [6, p. 148].

In the dictionary of the Ukrainian language the term “cooperation” is defined in joint activities, joint action [3, p. 1170]. Dictionary, edited by S. Ozhegova interprets the term “co-operate” as “work and act together to take part in the common cause.” The Law of Ukraine “On transborder cooperation” defines such a thing as “cross-border cooperation”, which in itself understands the joint action aimed at establishing and deepening economic, social, scientific, technical, environmental, cultural and other relations between local communities and their representative bodies and local authorities of Ukraine and local communities, relevant authorities of other countries within the competence defined by their national legislation. [10]

For interpretation O.I. Bastrykin international cooperation means “purposeful and consistent, common and coherent, broad in scope and diverse in form and directions competent law enforcement activities that affect the general interest of states cooperating” [1, p. 135].

In science generally accepted that international cooperation in criminal proceedings - a form of international cooperation among States in combating crime, the content of which is the implementation by the competent authorities of one country for the authorized body of another state criminal procedural and other actions, the legal basis of which are international agreements and provisions of national law, in the absence of international agreements – the reciprocity principles [14].

After analysis of the views of scientists on the definition of international cooperation we can not listen to these definitions, because each of them deals with his own vision of the subject. Regarding our definition of international cooperation in criminal proceedings, then believe it is specifically due to active cooperation of states to effectively investigate criminal offenses, which is implemented in various forms.

Today, international cooperation in criminal proceedings has been prominent in the world of work, but it is not possible without some guiding principles, according to which there is cooperation and acting basis for all the other principles of international cooperation in that area. These include the rule of law, democracy, and respect for fundamental rights and freedoms, the presumption of innocence, the right to defense.

Under generally accepted principles of international cooperation should understand the fundamental peremptory norms of international law, adopted by the international community of States as a whole and deviation from which is unacceptable.

It should be noted that the basic principles of international cooperation in criminal proceedings include such principles as reciprocity and voluntary cooperation, and respect for the sovereignty of the contracting parties, the obligation to fulfill the contract, the rights and interests of third countries or persons of participants of contractual relations, the mutual application of foreign the contracting parties in their territories while performing the requested action, mutual recognition of reality (void) official documents between cooperating states promptly to the appropriate care. Under certain principles of international cooperation in criminal proceedings should understand these principles, the scope of which extends to special forms of said cooperation (extradition, international legal assistance in criminal proceedings, transfer of sentenced persons, the procedure for taking over the criminal proceedings) [18, p. 42].

According to A.I. Bastrykin, Ukrainian legislation fulfillment of international obligations in this area inevitably involves the emergence of criminal legal proceedings, which are currently applicable criminal procedural law governed not, or not regulated. He said even in 1986 [2, p. 100].

These general principles of international law take certain specific and sectoral coloration in the regulation of international cooperation in criminal proceedings.

According to A.I. Vinogradova, to the principles of international cooperation arising from international treaties of Ukraine in the provision of mutual legal assistance among others should include: reciprocity and voluntary cooperation; concession of sovereignty (the application of foreign law); compliance with the request of the requesting Party performing state law; equality authority law enforcement authorities of interacting with each other; legal protection and equal participants in the criminal process in the states - participants of the agreement; restrictions on the use of international treaty territories of states - participants of the agreement; the rights and interests of third countries or persons of participants of contractual relations; binding performance of the contract; interaction of states on the basis of law, an international treaty [4, p. 89].

A similar opinion on this issue should V.M. Volzhenkina. But, besides the already mentioned principles, provides as follows: 1) respect for the sovereignty and security of the contracting parties; 2) implementation of the contract through the application of national law; 3) the principle of legality [7, p. 111].

A.G. Malanyuk identifies key, in his view, the principles of international cooperation in criminal proceedings: 1) respect for the sovereignty of States security, cooperating in criminal proceedings; 2) the consistency of the request for international legal assistance to the principles of the law of performing it; 3) the certainty of the rules of the international treaty limits appeals procedure and forms of international cooperation; 4) mutual recognition of reality (void) investigative, judicial and other official documents states - participants of the international agreement; 5) principle of dual criminality [13, p. 20].

The foregoing suggests the inconsistency of certain principles of international cooperation in criminal proceedings and requires critical analysis not only of the system but also individual basis.

Formulation V.M. Volzhenkinoyu and A.I. Vinogradov principles of sovereignty concessions as part of a “forced actions” contrary to the stated principles of reciprocity and voluntariness. No state in international cooperation in mutual legal assistance in criminal proceedings can not force another to apply foreign procedural law. In addition, some researchers, such as A.G. Volevodz, V.M. Volzhenkina indicate that the mutual application of the law of the contracting parties on their territory is the essence of legal assistance in the investigation of criminal offenses.

Note that historically evolved so that each state develops according to its, only inherent national, cultural, mental and other features. The development of the legal system and law depends on these factors is special. Therefore we can not speak of uniformity legislation, but only on request consistency of the basic principles of the law of the requested State. It is noted that international agreements provide additional guarantees to persons involved in criminal proceedings in order to provide mutual legal assistance. These guarantees are not peculiar to traditional criminal proceedings. Certain participants in criminal proceedings (witness) that appear when summoned in the requesting State may be given additional privileges and immunities.

According to M.I. Pashkovsky, in this case we can speak of empowerment of these partial immunity from criminal and / or administrative jurisdiction [16, p. 13]. Other authors include principles of implementation of investigative (detective) actions and operational-search measures only in accordance with the law of the State to cooperative countries in the fight against crime.

We agree with the position of scientists who have to formulate the principles of reciprocity and voluntary cooperation point to the fact that the implementation of the investigative (detective) actions fall within the scope of legal aid in criminal proceedings, and conducting search operations - to the cooperation of the police. Also keep in mind the fact that most international agreements provides for the application of criminal procedural law of the requesting state to some extent not inconsistent with the law of the requested State.

Principles of international cooperation play a role as a means for national and for international law. There is a problem that the adoption of the CPC of Ukraine in 2012, not all principles of international law were taken over, justified or accepted by national law, and there’s the difference in some respects international and interstate cooperation.

Given the scientists thought it should be noted that international cooperation of countries - not only perform certain obligations to the international community or the implementation of international agreements, but the implementation of the principles of international law into national law and observance of the first demand of the country.

It should be noted that international cooperation is a crucial aspect of our lives, because acutely the question of international cooperation in a difficult period for our country.

Taking into account international experience, international cooperation needs to determine and specify a clear consolidation of the regulations of national legislation, since coming on the world stage, a number of issues that need urgent attention.

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## INTERNATIONAL LEGAL ANALYSIS OF PROSECUTOR'S SUPERVISION OVER THE FUNCTIONING OF THE AUTHORITIES THAT PROVIDE OPERATIONAL SEARCHING ACTIVITY

*The legislation of Ukraine regulating powers of prosecutor's office in operational searching activity is considered and analyzed. The comparative analysis with provisions of the foreign legislation is carried out. Offers regarding improvement of implementation of public prosecutor's supervision of operational search activity are submitted.*

**Key words:** *operational searching activity, European standards, European integration, public prosecutor's supervision.*

The main functions of the Prosecution of Ukraine, according to the Constitution of Ukraine (Art. Art. 121–123) are support of state accusation in court, representation of interests of citizens or state in court in cases determined by law, supervision over the observance of laws by authorities

that conduct operational searching activity, inquiry, pretrial investigation, and in case of execution of judicial decisions in criminal proceedings, and the application of other measures of coercion related to the restraint of personal liberty of citizens [1].

Expanding the powers of prosecutors in criminal proceedings is conditioned by the necessity of ensuring the proper law and order in Ukraine, effective protection of individuals, society and state from socially dangerous infringements on general social values, rights and legal interests of individuals, and bring national legislation according to which criminal prosecution in Ukraine, in line with international and European standards, is realized.

Problematic questions of prosecutor's supervision over the functioning of the authorities that provide operational searching activity, studied domestic and foreign scientists, including B. I. Baranenko, B. T. Biezliepkin, A.V. Bielousov, V. V. Hevko, V. A. Hlazkov, V. A. Dashko, E. O. Didorenko, Ie. A. Dolia, I. M. Doronin, V. I. Zazhytskyi, Iu. P. Kobets, Ie. H. Kovalenko, I. P. Koziakov, V. A. Koliesnik, M. I. Kurochka, S. A. Kyrychenko, A. O. Liash, V. T. Maliarenko, O. R. Mykhailenko, V. T. Nor, V. I. Nindypova, M. A. Pohoretskyi, B. H. Rozovskiy, V. B. Rushailo, V. A. Seliukov, I. V. Servetskyi, H. P. Sereda, A. H. Tsvetkov, M. Ie. Shumylo.

The aim of the article is an analysis of the powers of some foreign countries in developing proposals for improving national legislation in terms of strengthening guarantees of the legality of prosecutor's supervision of the operational searching activity.

The powers of the prosecution that are granted, in order to implement functions, determined in the Constitution of Ukraine, are established in the legislation of Ukraine.

Due to the reform of the criminal justice system in Ukraine, namely legislation that regulates procedure of operational searching activity and pretrial investigation of criminal offenses, particularly, in the part that establishes procedure of prosecutorial supervision, significant changes and additions has been made. First of all, the boundaries of the prosecutor's supervision on the legality of realization of operational searching activity greatly enhanced, and the prosecution provided a significant authorities in this area. After the comparing the Law of Ukraine «About operational searching activity», with the laws of the CIS countries, we can say, that the prosecutor's supervision over the legality of operational searching activity in Ukraine in the short term considerably will amplify [2].

Prosecutor is notified by the operational unit about all operational searching arrangements, independently of whether would human rights, during theirs exercising, be limited, or not. Such procedure of supervision is established by the legislator for ensuring the legality of operational searching activity. According to the CPC of Ukraine, materials of operational searching activities, received in compliance with the procedure established by law, can be used in criminal proceeding as evidences among with other evidence, the sources of which are specified in Ch. 2, Art. 84 of the CPC of Ukraine. In such a case the prosecutor's supervision will act as guarantee of the legality of operational searching activity and, consequently, a guarantee of legality of results. However, it should be borne in mind, that the proceeding of operational searching activity is always associates with the requirements of secrecy, consequently, of its involvement in other subjects, representatives of the authorized state bodies, usually do not promote on decision-making speed, confidentiality of information, obtained in result of its promotion, that is to some extent hindered its implementation. According to the analysis of the legislation of the CIS countries, such broad powers of prosecution for activities that make covered operational investigative work in any of them, is not provided. Guarantees of legality driving operational activities mainly provided by the rules which establish

the prosecution to authorize search operations that restrict human rights or the rules that shall govern the prosecutor's response to complaints and statements of citizens about violation of their rights during the operational searching activity. A number of laws of CIS countries on operational searching activity clearly established limits of the powers of the prosecutor, in view of the analysis can be argued that the prosecutor's oversight of operational and investigative activity in the CIS is not current and previous or next character and made not permanently how to monitor the activity and selectively, in order to respond to claims and reports of individuals and entities [3; 4; 5]. The authority owns the prosecution approval of departmental regulations, conducting operational-search activities [6; 3; 4]. These exercise supervisory powers of prosecution aims at preventing possible violations operative divisions, not to monitor their activities. In some CIS countries, clearly defined subject of public prosecutions, which ensures a certain independence of operational units, as defined by law supervision limits make it impossible to make operational investigative body fully controlled by the prosecutor's office [7].

Instead, the powers of the prosecution during the pretrial investigation of criminal offense in Ukraine and in CIS countries, whose legislation is akin, however, it was developed in limits of state formation, traditionally are wider than the prosecutor's supervision on searching activity. This is the essence of the institute of prosecution as a public authority of the state, whose specific functions, according to Art. 5 of the Law of Ukraine «About the Prosecution», is the supervision of law enforcement and other government agencies [8].

The questions of configuration changes and expansion of supervision of the operational searching activity arose in connection with the adoption in the 2012 CPC of Ukraine, according to which, the management of pretrial investigation was attributed to the functions of prosecutor [10].

The powers of the prosecutor's in pretrial investigation are defined by Art. 36 CPC of Ukraine. Given the analysis of this and other articles of the CPC of Ukraine we can conclude, that the procedural independence of the investigator is significantly limited now, as the adoption of the most significant decisions in criminal proceedings belongs to the competence of the prosecutor. According to the CPC of Ukraine prosecutor is authorized to start pretrial investigation on the grounds, provided by law, to have full access to records, documents and other information about the initiated pretrial investigation, to entrust its realization to the pretrial investigation agency, to entrust to investigator or to the pretrial investigation agency, in established by the prosecutor period, the realization of the pretrial investigative (searching) activity, the secret investigative (searching) activity and other procedural activity or give the instructions for their realization, or participate them, and, if necessary, realize some investigative (searching) or procedural activities personally, to cancel the unlawful and unjustified decision of the investigator in the manner prescribed by the CPC of Ukraine, to initiate the question to the head of the pretrial investigation agency about the removal of the investigator from realization of the pretrial investigation and the appointment of another investigator by legally specified grounds, as well as independently exclude the investigator, to entrust the implementation of pretrial investigation to another agency of pretrial investigation, in cases provided by the CPC of Ukraine, to take procedural decisions, including the closure of criminal proceedings and the extension of pretrial investigation terms and so on. In fact, the prosecutor is authorized to control all the actions of the investigator and to give guidance on further investigation and conduct an audit of pretrial investigation [11, p. 75–76]. One of the most important powers that are provided to the Prosecution by the CPC of Ukraine is to control the conduction of secret investigative (searching) actions and the right to make decisions about the

usage of materials, received in the result. However, according to the CPC of Ukraine, the sphere of criminal proceedings is expanded, and starts, according to Article 214 of CPC of Ukraine, after the entering data in the Unified Register of pretrial investigations. As a result of expanding the sphere of pretrial investigation of criminal offenses, simultaneously, the sphere of influence of the prosecutor in activity of state agencies in fields of identification, detection and investigation of crimes, increases too. In continental Europe prosecution occupies an intermediate position between the executive and judiciary branches of power. In Italy, Romania, Poland, prosecutors comprise to the corps of judges, are formed by the courts, but are in hierarchically organized system that functioning under the chairmanship of the Minister of Justice, namely, submits to the executive branch [11, p. 77–78].

In Germany, the public prosecutor's office is a part of the judiciary and follows the instructions of the executive power (Ministry of Justice).

Thus, the Prosecutor General of France is subordinate to the Minister of Justice and is entitled, within its authority, to give all required orders to officials of the public prosecutor's office. Its authority included the supervision of the judicial police, keeping the charges in court, participation in civil cases, when it is required by the public interest [12, p. 218].

Polish legislation enshrines the dual nature status, combining the duties of the General Prosecutor and Minister of Justice (Justice). The authority of Prosecutor in Poland embraces the support of state accusation in court, supervision on the legality during the consideration of civil and administrative cases, cases of misconduct, temporary detention and making other decisions about imprisoning. He has the right to appeal in court, to participate in the prevention of crime and criminal offenses. Instead of general supervision over the legality of the public prosecutor's office of Poland he cooperates with various state and public institutions of crimes prevention and misdemeanors. Polish Law «About the Public Prosecutor's Office» directly designates, that the cooperation with public authorities, government agencies and other public organizations in the prevention of crime and other offenses, is relied on Public Prosecutor's office. [13]

Attorney General is the chief lawyer of Great Britain and Wales also shall be a member of the ruling party of the Parliament. He is responsible to Parliament for the Department of the Treasury Solicitor's Department, for the Director of Public accusations, for the Director of the Bureau of the large-scale fraud and for the Director of Public Persecutions in Northern Ireland. The Attorney General acts as a consultant in the House of Commons, as a juridical counsel of the Crown in legal affairs, as government department's adviser, he gives answers to queries in the House of Commons. He is authorized to attend the meetings of the Standing Committee of Parliament that develop bills, he advises the House of Commons in the developing and conducting of parliamentary procedures, conduction and discipline of its members and international legal obligations. Attorney General is the highest official in the crime persecution because he exercises supreme control on the public persecution, contributes to a unified judicial policy in civil and criminal matters [14].

As for the guarantees of independence of prosecutors in Ukraine, the Law of Ukraine «About the Prosecution» (art. 16) prohibits any influence or pressure from public authorities, local governments, public organizations and their officials on the activity of prosecutors.

We can refer to the recommendations of the Council of Europe, to understand what prototype of the prosecution they perceive. Thus, the Recommendations of Re (2000) 19 of the Committee of Ministers to Member States, about the role of prosecutors in the criminal justice system, define following authorities of the prosecutors in all criminal justice systems :

to decide whether to open, or continue criminal persecution;

to support the prosecution in court;  
 may appeal or make the appeal submission to all or some court decisions.  
 In certain criminal justice systems the prosecution also:  
 carries out state criminal policy (if possible, taking into account regional and local conditions);  
 investigates, manages or supervises it;  
 provides effective assistance to victims;  
 makes decisions on measures, alternative to criminal persecution;  
 supervises the execution of court decisions. [13]

It became obvious fact, that the functions of prosecution dissociate themselves in the field of criminal justice and in certain systems.

The Conclusion number 3 (2008) of the Consultative Council of European Prosecutors about «The role of prosecutors outside the criminal law» on the special authority of prosecutors outside the criminal justice system, which is a logical consequence of the continuation of the theme to the Recommendations, defines:

- the competence of prosecutors outside the criminal justice system should not limit the rights of individuals to file a claim or defense of their interests in a fair and impartial trial, even in cases where the prosecution acting or supporting to act as a one of the sides;
- in cases where the prosecution is authorized to make decisions, that concerns the rights and duties of individuals, the authority of the prosecution should be severely limited and defined by law, and could not prevent the sides in forming law remedy in fact and under the law in an independent and impartial courts. Prosecution authorities must act completely independently of any other authority, and their decisions must be reasonable and announced stakeholders [14].

In conclusion we can say, that currently the legislation that governs prosecutorial supervision over the activities of exercising the operational searching activity, experiencing difficult times now, because those Eurointegration processes, taking place in our country, have influence on legislation in the direction of changes to EU requirements and this would have a positive result, but as you can see, legislator has no time to bring in line the legislation that governing the appropriate direction with the requirements of the EU.

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## **OPTIMIZATION INTERNATIONAL WANTED OF PERSONS AS NECESSARY ELEMENT OF REFORMING CRIMINAL PROCEDURAL ACTIVITY**

*In article the subjects participating during wanted of persons outside the state are determined. Questions of ambiguity of the legal acts regulating subjects of the international wanted of persons are analysed. On the basis of it is offered to make changes to the legislation of Ukraine*

**Keywords:** *international wanted, subjects, criminal proceeding, national police, request*

The institute of the international wanted in criminal proceeding is many-sided by the nature, includes tasks, the purposes, objects, subjects of wanted, system of regulatory legal acts, set of legal proceeding which are performed for the purpose of establishment of location of a subject to search, etc. [6].

Agree with opinion I. Brus, which notes that despite positive aspects in functioning of the law enforcement agencies performing search functions there are considerable gaps in standard regulation, limits of application of powers of authority and implementation of the principles of international cooperation [1, p. 189].

Ambiguity of precepts of law (in particular, the Criminal Procedure Code of Ukraine) demonstrates «operational search activities» about unequal regulation of some aspects of the international wanted, including concerning subjects of its implementation. Therefore further for more complete clarification of essence of the international wanted as institute of a criminal procedural law it is



necessary to optimize system of subjects of the international wanted of the persons which committed a criminal offense in the territory of Ukraine. It also causes relevance of a subject of a research.

Efficiency and effectiveness of international cooperation substantially depends on specific subjects which carry out objectives [10, p. 193]. We want to note that scientists classify these persons on the basis of separation of subjects of the extradition relations, with the corresponding adaptation of such separation in the relations developing in the sphere of the international search into the following groups:

- 1) international police organizations (General Secretariat of the Interpol, Europol headquarters)
- 2) national divisions of the law enforcement agencies performing functions on the organization of the international law-enforcement cooperation (NTsB of the Interpol and their regional departments, local divisions, national authorized divisions of Europol)
- 3) national law enforcement agencies are subjects of sending requests on channels of the Interpol, and also the subjects authorized on implementation of operational search activities for requests of law enforcement agencies of foreign countries) [3, p.12–13]. By the general rule, we consider such law enforcement agencies police (militia), the customs, border service.

G. Dusheiko, V. Nekrasov, V. Matsyuk and D. Kompaniyets carry national police authorities which search the persons which committed a criminal offense, MOUP, NTsB of the Interpol in the states members to subjects of the international wanted of persons. Scientists also note that in the long term to treat subjects of the international search the International Criminal Court, motivating the opinion with the fact that in the future powers on implementation of some operational search and investigative actions can be conferred to it [7, p. 63–64]. The same classification of subjects of the international search and in scientific works of I. Leshukovoi [5, page 42–55]. In the context of stated it is necessary to analyse powers of the organizations, bodies and individuals concerning the international wanted of the persons which committed a criminal offense in the territory of Ukraine.

According to the Criminal Procedure Code of Ukraine authorized body on implementation of the international legal assistance is the Prosecutor General's Office of Ukraine which makes inquiries about the international legal assistance in criminal proceeding during pre-judicial investigation and reviews the corresponding requests of foreign competent authorities, except pre-judicial investigation of the criminal offenses referred to competence of National anti-corruption bureau of Ukraine in such cases performs functions of the central body of Ukraine. The Ministry of Justice of Ukraine is given also similar authority, makes inquiries of courts about the international legal assistance in criminal proceeding during judicial proceedings and reviews the corresponding requests of courts of foreign states.

The Prosecutor General's Office of Ukraine and the Ministry of Justice of Ukraine direct to three-day time in National anti-corruption bureau of Ukraine the materials received within rendering the international legal assistance concerning financial and corruption criminal offenses in the form of the reference [4].

So, in 2014 the Prosecutor General's Office sent 149 inquiries for rendering the international legal assistance, including 142 - for implementation of legal proceeding that testifies to the high level of international cooperation.

As for a procedural order of the international wanted, it isn't provided. However there is Art. 582 of the Criminal Procedure Code of Ukraine which regulates process of detention of the person

which committed a criminal offense outside Ukraine, that is legal proceeding are performed by investigating officers in Ukraine to find and detain the persons which committed a criminal offense. Any aspects of the organization of the international search of the persons which committed a criminal offense in the Criminal Procedure Code of Ukraine aren't determined including subjects of its implementation.

However regulations of the Instruction are specified bodies which have the right to send requests in NTsB of the Interpol on the organization of the international wanted:

- 1) law-enforcement bodies – the request is signed by the chief district, city, district in the city, linear Department of Internal Affairs on transport (their deputies) and above;
- 2) bodies of prosecutor's office – the prosecutor of the area (the prosecutors equated to it), their deputies above
- 3) the state security agencies – from the chief of Head department of the Security Service of Ukraine in the ARC, managements of the Security Service of Ukraine in areas. Cues and Kiev region. Sevastopol (their deputies) and above;
- 4) bodies Goskomgranits – from the chief of operational search department of the direction (his deputies) and above;
- 5) bodies of the state customs service of Ukraine - from the chief of customs (his deputies) and above;
- 6) bodies of state tax administration of Ukraine - from the chief of district department of tax police (the departments of tax police equated to district), their deputies and above [7].

Inquiries to NTsB are sent, as a rule, through divisions of Ukrbyuro of the Interpol in General Directorates of Ministry of Internal Affairs of Ukraine in the Crimea. Cues and Kiev region, the Departments of MIA of Ukraine in areas and. Sevastopol.

It is worth turning on a certain inconsistency of regulations of the Instruction acting with regulatory legal acts. For example, customs and tax services are joint in fiscal (on May 21, 2014). Since 2003 the state border service of Ukraine is a legal successor of the State committee on affairs of protection of frontier of Ukraine [2]. With respect thereto modification of the Instruction on subjects, representatives is reasonable to send inquiries to NTsB of the Interpol for the purpose of establishment of compliance of regulations of the Instruction to the existing penal procedural legislation.

One of sales problems of the right to sending a request about the organization of the international search of the persons which committed a criminal offense in the territory of Ukraine is that the accepted Criminal Procedure Code of Ukraine in 2012 changed system of bodies of pre-judicial investigation. So, according to article 38 Criminal Procedure Code of Ukraine bodies of pre-judicial investigation (the bodies performing pre-judicial the investigations and inquiries) are investigative divisions:

- 1) law-enforcement bodies;
- 2) security service;
- 3) the bodies exercising control of observance of the tax legislation (tax police)
- 4) bodies of the state bureau of investigations;
- 5) division of detectives, division of internal control of National anti-corruption bureau of Ukraine [4]. Divisions of the Public border service of Ukraine carry out a role of operational divisions which main objective is accomplishment of orders of the investigating officer and prosecutor (Art. 41 of the Criminal Procedure Code of Ukraine). They have no right to perform legal

proceeding in criminal proceeding on own initiative, that is, in fact, they have no right to send requests about the organization of the international wanted of the persons which committed a criminal offense in the territory of Ukraine that contradicts Instruction provisions. Therefore we suggest to state point 1.6 of the Instruction in the following edition: «1.6. Requests and other documents are signed by heads of body:

- 1) for investigative divisions of law-enforcement bodies - the chief of head department, Department of Internal Affairs (their deputies), the head of relevant organ of the highest level;
- 2) for bodies of prosecutor's office – the head of city, district prosecutor's office, his deputies, the head of relevant organ of the highest level;
- 3) for the state security agencies – the chief of Head department of the Security Service of Ukraine to the ARC, territorial administrations of the Security Service of Ukraine;
- 4) for bodies of the Public fiscal service of Ukraine - the chief of customs (his deputy) of DFS of Ukraine, the chief of head department of DFS of Ukraine in areas, Kiev and Sevastopol, the chief of relevant organ of the highest level;
- 5) division of detectives, division of internal control of National anti-corruption bureau of Ukraine – the head of such division”.

Considering the existing regulatory legal acts and work of scientists, we can draw a conclusion that not only the international organizations and police bodies can perform search actions; the persons given authority on assistance to implementation of the international search of persons are: during the using of special knowledge, provision of support services and so forth. Based on stated we can divide subjects of the international search into three groups depending on functions which they perform:

- 1) national law enforcement agencies which directly perform search actions in the territory of a certain state. They can be divided into two subgroups: state bodies to which functions on the organization of search actions in the territory of a certain state, and directly law-enforcement bodies (militia) are assigned that search the persons which committed a criminal offense for. According to Yu. Chornous, NTsB of the Interpol acts not only the intermediary and the subject of interaction, but also body, will directly organize and coordinates holding search actions, is directly involved in an extradition [9, p. 572];
- 2) the international organizations (the Interpol, Europol) which mediate between national law enforcement agencies in the international search of persons;
- 3) bodies, impartial persons which promote implementation of the international search of persons: experts, specialists, translators and others.

Considering the above, to introduce the article 572-4 «Subjects of the International Search of the Persons Which Committed a Criminal Offense» which to state in the following edition in the Code of Criminal Procedure of Ukraine:

«1. The investigating officer, the prosecutor performing criminal proceeding have the right to send inquiries for the organization of the international search of the persons which committed a criminal offense.

2. The body accepting requests about the organization of the international search is Ukrbyuro of the Interpol. Tasks and powers of Ukrbyuro of the Interpol are determined by the law”.

So, the international organizations and law enforcement agencies of Ukraine direct the activities to counteraction by a criminal offense including on involvement of perpetrators to criminal liability. In it search of the person disappearing from justice outside Ukraine is important.

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Optimization of system of subjects of the international search of the persons which committed a criminal offense promotes ensuring implementation of the principle of inevitability of criminal liability and consists in determination of an accurate circle of people, authorized to perform the international wanted.

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UDC 343.982.4

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## THE DISTINCTION OF THE NOTIONS «TERROR», «TERRORISM» AND «ACT OF TERRORISM» IN THE INVESTIGATION OF CRIMINAL OFFENSES OF A TERRORIST NATURE

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*The article deals with issues devoted to criminal prosecution in relation to terrorism. Taking into account the specifics of such criminal offenses, the definition of the scientific and the most typical sources of the legislative differentiation of these concepts. We consider the procedural aspects of the definition of «terrorism» and «terrorist act» in the investigation of criminal*

*offenses related to terrorism, indicated gaps of existing legislation in the direction of their effectiveness.*

**Keywords:** *terrorism, criminal proceedings, act of terrorism, pre-trial investigation, forensic characterization, of the initial phase of the investigation.*

The world is changing around Ukraine nowadays, the postulates and principles, that a few years ago seemed unshakable, today do not stand the test of social, economic, political and law enforcement relations, radically modified and transformed.

The consistent change of state is due to peculiarities of world political process, that comes because of the interaction of many political forces and institutions, involved in international life. As a result, in this process different and quite conflicting interests and ideological positions, goals and intentions of international politics and especially states are opposed.

The destabilization of the world order gives a way to the ambitions of regional powers. So, the dismantling of the Kemalist government system in Turkey is a good example. The hybrid war, that Russia practiced in modern conflicts, is aimed at destroying societies, oppression of their will with the purpose to resist a large-scale terrorism.

The relevance of the topic concerns the attention on the fact that the crime situation in the country remains difficult. The motivation of serious crimes changes, the terrorism, economic crime, banditry spreads. The terrorism threatens public security and interests of Ukraine, as the stable environment in and around Ukraine becomes unpredictable and destructive threatening.

A common means of committing a criminal offense is explosive, firearm, etc. The international experience indicates particular danger of blackmail and terrorist acts in public places, such as railway stations, schools, hospitals, shops, transport, stadiums. The number of criminal offenses that are the result of loss of life due to the use of explosives and firearms, is extremely increasing.

The problem of terrorism is discussed by scientists in all fields of science close to this phenomenon (philosophy, sociology, political science, history, psychology, economics, journalism). The domestic researchers in the field of law expressed interest to the terrorism and responsibilities in 90s of the XX century – these are the monographic (thesis) works of S. . Dopulka [2], V. P. Yemelyanov [3, 5], V. F. Antipenko [1], S. M. Mohonchuk [10].

Concerning the relevance of the research substantiating of terrorist acts, it is advisable to select research areas of terrorism, such as:

- social and political phenomenon (T. Boyar-Sozonovich, V. Vunogradov, . Gayduk, K. Zharinov, V. Zagladin, V. Inozemcev, Y. Klimchik, G. Ovchunnkov, E. Stepanov, V. Shestakov and others);
- in terms of basic forms and trends of modern terrorism, terrorist acts motives, as well as social and psychological roots of terrorism and the transformation of the terrorist struggle (M. Afanasiev, . Budnutskiy, . Grachov, . Gerasimov, . ordanov, . Zotov, N. Kapitanenko, S. Kovalenko, U. Latupov, L. Medvedko, D. Olshanskiy, V. Petrishchev and others);
- from the perspective of criminal and international law (V. Antipenko, V. Yemelianov, . Krasnov, V. Krutov, V. Kudriavtsev, V. Lunieev, B. Martynenko, L. Novikova, . Pobegailo, . Rudenko, . Hlobustov, . Shevchenko and others);
- in the context of Ukraine's national security (Y. Bin'ko, V. Gorbulin, . Gucalo, G. Kostenko, P. Krut', . Panov, . Panfilov, V. Smolyanyuk);

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– in terms of the correlation of the international terrorism and the globalization (Y. Bodanskiy, . Garr, B. Graham, R.Zhakkar, . Yaffe, R. Kagan, . ronin, D. Prist, . mae, D. Smok, H. Hoffmaster and others).

However, despite that range of studies, devoted to terrorism, there is also a number of controversial issues, due primarily to the diverse nature of the phenomenon, its rapid differentiation and increased threats to national security, public safety, and the lack of unanimity of scientific and legal views on concepts and categories theory of the terrorism.

The purpose of this article is to establish a difference in terms of “terrorism” and “terrorist act” and their value in certain criminal offenses of the same name.

Disclosing the content of the term “terrorism” – is the problematic question, because currently there are over 100 definitions of this phenomenon. However, none of them is supported by the international community as generally accepted. [9] Ukrainian lawyers Vladimir Yemelyanov and S. Gavrish noted, that terrorism is regarded by modern science in three areas: criminal act, terrorist groups (organizations) and terrorist doctrine [5]. Considering the terrorism also as negative social and legal phenomenon suggests another scientist – V. Lipkan and he also suggests not just to reduce it to commit explosions and arson, but those actions, which are considered as terrorism, include to the concept of the notion “terrorist act” [8]. Also, it is necessary to distinguish the notions «terrorism» (from lat. terror - terror, fear) and «terror» - a policy of intimidation, repression of political opponents by violent means.

The terrorism has a rising growth trend in transitional periods and stages of social life, where instability is the main characteristic of basic relations and social connections. Such conditions contribute to the growth of aggression in society and lead to the fact that this or that economic, ethnic, social, religious or other group trying to impose its will on society, use violence as a tool to implement their plans and aspirations.

It is hard to define the notion of terrorism. Experts does not have the consensus on this subject. Some believe, that terror and terrorism are not concepts that are associated with well-defined and clearly identifiable events. This is caused by the fact that the concepts of «terror» and «terrorism» does not carry the semantic distinction. Terror and terrorism - are the methods of influence, methods of achieving the objectives, methods of struggle, which consist of separate elements that define them - terrorist acts. It is impossible to formulate the concept of terrorism without giving a definition of “terrorist act.”

An act of terrorism, that is the use of weapons, explosions, fire or any other actions that exposed human life or health to danger or caused significant pecuniary damage or any other grave consequences, where such actions sought to violate public security, intimidate population, provoke an armed conflict, or international tension, or to exert influence on decisions made or actions taken or not taken by government agencies or local government authorities, officials and officers of such bodies, associations of citizens, legal entities, or to attract attention of the public to certain political, religious or any other convictions of the culprit (terrorist), and also a threat to commit any such acts for the same purposes (art. 258 CCU) [7].

Thus, a terrorist attack is an action that takes a variety of forms of violence (or the threat of its use), feature of which is that the object of violence can not be a subject at the time of the attack. Indeed, any terrorist action (not even related to the murder) always involve violence, coercion, threat. The primarily means of achieving the goal for every terrorist is bullying, creating an atmosphere of fear and uncertainty.

The famous researcher of the French Revolution, the French historian Augustin Cochin concluded the democracy as the power of “small people” and the terror as an inevitable attribute of democracy.

Originally it has been done by masonic lodges in France, and then through the party. In order to save power of the ruling minority malfunctions in the system were corrected only by extreme means – terror. As evidenced by, in particular, the political history of France in the 19th century. [6]. Investigating the consequences of the Russian revolution in 1917, Ukrainian academician Igor Shafarevich had reached the similar conclusions about the terror [13].

In return, terrorism is a violence committed by a “weaker” (without authority), the violence that comes from the oppositional layers of society, sometimes radically oriented and, as a rule, a very few who usually do not have and can not have the support of the majority of society. Terrorism has political, social, national or religious signs. Terrorism as a phenomenon which pursues at least three basic significant goals. The first one is to make a pressure on the authorities, to intimidate the persons who are endowed with the powers. The second target is to spread fear and uncertainty among citizens, who have loyal attitude to existing government officials. The third aim is the desire to cause sympathy among their potential supporters, ie in the segment of society who are believed them, subjected to oppression or discrimination, but inferior to terrorists in radicality. Thus, terrorism is often impossible without terrorists’ announcement about their responsibility for the act of violence. Although, there are exceptions, such as when the terrorists want to involve other organized minority in the armed battle with state authorities. In other words terrorism as a provocation.

Certain clans of the ruling minority who do not have and cannot have the support of the majority of society because of their national and religious differences (sometimes social) might also resort to the terrorism in order to seize full power (but secretly). In contrast to the terror (at application of it within the country) or war (when applying to other countries), participation of state security forces in the actions of state terrorism is carefully concealed.

Signs of terror are the following: violence as a tool to reach certain goals; mean of coercion for person to make the decision; achievement of result through the actions of intimidation. Terror is accompanied by escalating tensions, compulsion for someone to make something.

Among the most common ways to commit terrorism acts we can distinguish murder (with cold and firearms, poisons); explosions (in the yard, building, transport, stadium or other crowded places); the seizure of vehicles with passengers (airplanes, buses, cars); hostage-taking (kidnapping); arson, threats by telephone; poisoning of water, food; action using weapons of mass destruction.

Today, signs of a terrorist act are the following: 1) the committing of generally dangerous acts or the threat that generate common danger; 2) the public nature of the execution with pretension for wide publicity; 3) deliberate creation of the conditions of fear, tension on the social level which is aimed at intimidating of the whole population or its part; 4) the use of general dangerous violence against some (innocent victims) or property to induce certain behavior of others.

In this way, the term “terrorist act” can be considered on two levels, each of which has described different completeness:

1. Internationally it is defined in the Shanghai Convention on Combating Terrorism, Separatism and Extremism (2001) as:

a) any act that is recognized as criminal offense in one of the treaties listed in the annex to this Convention and how it is defined in such treaty. This is about the following agreements: the



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Convention on the Suppression of Unlawful Seizure of Aircraft (The Hague, 16 December 1970); Convention on the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971); Convention on the Prevention and Punishment of Crimes against persons who use international protection, including Diplomatic Agents (adopted by the UN General Assembly on 14 December 1973); International Convention against the Taking of Hostages (adopted by the UN General Assembly on 17 December 1979); Convention on the Physical Protection of Nuclear Material (Vienna, 3 March 1980); Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, which complements the Convention on the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, February 24, 1988); Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 10 March 1988); Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 10 March 1988); International Convention on the Suppression of Terrorist Bombings (adopted by the UN General Assembly on 15 December 1997); International Convention on the Suppression of the Financing of Terrorism (adopted by the UN General Assembly on 9 December 1999);

b) any other act intended to cause the death of any civilian or other person who is not taking an active part in the hostilities in a situation of armed conflict or to cause her grievous bodily injury, and also to inflict significant damage to any material object, as well as organizing, planning such acts, aiding in its perpetration, incitement to it when the purpose of such act, by its nature or context is to intimidate the population, to violate public security or to force authorities/international organization to do any act or to refrain from its committing and prosecution due to the criminal procedure under the national laws of the parties.

Legal support of of counterterrorist activity is one of the most important tasks of a successful counteraction to domestic and international terrorism [4; 12]. The main principles of combating should be the following: the legality, the priority of prevention measures of terrorism, the irreversibility of the punishment for guilty persons, the priority of rights protection of persons who are subjects of danger resulting from terrorist actions, minimal concessions to terrorists and some other. Legislative consolidation of the principles of combating terrorism is very important, because this type of crime can provoke excessive use of brutal state measures, derogation from law, also to undermine confidence in the ability of the state, that cause the opposite effect.

A permanent improvement of appropriate national legislative base should become an essential condition that could prevent the growth of terrorism and make a contribution to a successful fight against it. The first step in this direction was the adoption of the Law of Ukraine "On Fighting Terrorism" [11]. This law defines terrorism as a threat to use the violence, and its application that generate fear in both individuals and in many other people, and it is designed for their intimidation and generation of distrust to public authorities - their ability to counter these criminal acts.

The main purpose of the law is the protection of individual, state and society from terrorism, identifying and eliminating of the causes and conditions that give rise to it. The law defines the legal and organizational fundamentals of combating this dangerous phenomenon, powers and duties of the executive authorities, public associations and organizations, officials and individuals in the fight against terrorism. Also the law defines the procedure for coordination of executive authorities and organizations activity, which are involved in the combating terrorism; guarantees of legal and social protection of citizens due to the participation in the fight against terrorism.

The fight against terrorism requires a comprehensive approach which should include measures of economic and political, social and legal nature. This is a long-term program, implementation of which depends on many factors, but it is not a secret that decisive and effective measures are needed today. Speed of response to constant improvisation of enemy is an important indicator of the state's ability to provide adequate response to aggression. Intelligence and counterintelligence are the state structures with the highest priority which should be able to respond to threats quickly with maximum effectiveness and this is the key to our security.

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## **MEDIA TERRORISM AND CYBERTERRORISM AS PROBLEM OF INFORMATION SOCIETY (CRIMINAL PROCEDURE ASPECT)**

*In the article types of information terrorism are considered. Value of media as one of mechanisms of influence on modern society is characterized. Problems and the directions of enhancement of effective fight against media terrorism and a kibertirorizm are determined.*

**Keywords:** *mass media, information terrorism, media terrorism, kibertirorizm, information society, cyber attacks.*

Transition to methods of electronic control by technological processes gives the grounds for emergence of essentially new type of terrorism – cyber terrorism: intervention in work of components of the telecommunication networks functioning in the environment of computer programs or unauthorized modification of computer data causes disorganization of work of crucial elements of infrastructure of the state and creates danger of death of people, causes approaches of significant property damage or other socially dangerous consequences.

Phenomenon of information terrorism works of both foreign, and domestic scientists are devoted. Among theorists and practitioners, researched information terrorism as means of conducting information war in the conditions of the cross-border globalized processes and development of information cyberspace, it should be noted D. Bell, J. Baudrillard, A. Giddens, M. Castells, A. Toffler, F. Fukuyama, S. Huntington, B. Hoffman, A. Schmid.

Cyberterrorism problems are also considered in scientific works of A.I. Primakin, V.E. Kadylin, Yu.I. Zhukov, E.P. Kozhushko and others.

Let's note that despite a large number of works on this perspective, the matter demands further scientific development, and also consideration of a problem of interference of modern terrorism as integral part of information structure and mass media.

Technical progress develops so promptly that some of his consequences are realized by society too late when for correction of a situation already considerable efforts are required. There is even an opinion that upon transition of some critical point progress begins to work already for extermination of mankind. Such situation has developed, for example, with ecology and, unfortunately, it develops also in the field of information technologies.

Terrorists can block work of the subway; to paralyze work of rail and air transport for the purpose of causing an economic damage to the state; to get into local networks of government institutions (the Ministry of Internal Affairs, financial institutions) for the purpose of change or destruction of information, to block operation of computers, to abduct means and so forth.

Information revolution concerned practically all industries of the national economy, all society. The problem of information security was inseparably linked with all other aspects of safety, in particular, personal security, safety of the state and society. Information weapon which now only appears and develops can become very dangerous. It can selectively work, be applied through cross-border linkages that will make impossible identification of a source of the attack. Therefore information weapon becomes ideal means for terrorists, and information terrorism - threat of existence of the whole states that does a question of information security by important aspect of the homeland and international security.

Implementation of modern information technologies, brought, unfortunately, before emergence of new types of crimes, such as computer crime and computer terrorism – illegal intervention in operation of electronic computers, systems and computer networks, stealing, assignment, a racketing of computer information. Cyber terrorism is a new form of terrorism which for achievement of the terrorist purposes uses computers and electronic networks, modern information technologies. On the mechanism, methods of implementation and concealment computer crimes have certain specifics, are characterized by the high level of latency and low level of solvability of crimes [1].

To reveal and neutralize the virtual terrorist very difficult because of too small quantity of the marks left by them, unlike the real world where traces of deeds remains nevertheless more. This property – anonymity. Neither personal meetings, nor names, nor binding to the specific place. To predict or monitor terrorist attack preparations impracticably.

Rapid growth of quantity of the crimes committed in a cyberspace in proportion to number of users of computer networks (by estimates of the Interpol, growth rates of crime on the wide area network the Internet, are the most bystry on the planet). It once again emphasizes a danger status from information and cyber terrorism.

Information terrorism – merge of physical abuse and criminal use of information systems, and also intended abuse of digital information systems, networks or their components, for the purpose of the help of implementation of terrorist transactions or actions [2, P. 101].

Modern information terrorism is characterized as a set of the information wars and special operations connected with national or transnational criminal structures and intelligence agencies of foreign states. Availability of information technologies considerably increases risks of information terrorism [3, P. 56].

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Information terrorism shares on:

1) information and psychological terrorism (control over media for the purpose of distribution of misinformation, rumors, demonstration of power of the terrorist organizations):

a) media terrorism or «media killer» “ abuse of information systems, networks and their components for implementation of terrorist actions and shares;

2) information and technical terrorism (causing damage to separate elements and to all to the information circle of the opponent in general: destruction of element base, active suppression of communication lines, artificial resets of nodes of communication, etc.):

a) cyber terrorism – set of the actions including the information attack to computer information, computing systems, the data transmission equipment, other components of information infrastructure which is performed by criminal groups or individuals [4, P. 231].

In case of media terrorism it is told about a kind of information terrorism, is abuse of information systems, networks and their components for implementation of terrorist actions and shares. Media terrorism policy tools printed media, networks of radio and cable mass media, Internet, e-mail, spam to that similar.

Media terrorism represents the special type of terrorist activities allocated by criterion of use of tools (means) of achievement of the purposes by terrorists. K.S. Gerasimenko claims that his essence consists in attempts by the organization of special media campaigns to destabilize society, to create in it the atmosphere of civil disobedience, mistrust of society to actions and intentions of the power and especially – its law enforcement agencies designed to protect public order [5].

Media and the Internet reckon that in correlative interrelations create information resource which is capable to hide the reliable, exact and complete information behind abstract reality with instruments of media terrorism as the most effective. A striking example of use by terrorists of media and the Internet is the manipulation public opinion, distribution misinforming influences on society, discredit of official organs of public administration for the purpose of psychological combing of society and distribution of one-vector information, as a result creates ideology acceptable for terrorists.

According to specialists of counterintelligence services, «terrorists» by e-mail transfer in encrypted form of the instruction, card, scheme, passwords and other important information which disclosure can cause damage to a homeland security of the state [5].

And under the influence of media terrorism the individual isn't capable to be guided independently in unrestricted information space of available data as by media it is presented in the form of tools for designing of doubtful reality today. A task of this reality is not reproduction and distribution of reliable information, but conquest of the personality judgment unusual for it. Thus, today it is impossible to speak about transition of amount of information in its quality. Especially it concerns media and the Internet as they act as object of political impact, which purpose to distort the real situation.

So, it is possible to state that the threat of media terrorism and cyber terrorism is rather complex and urgent problem now, and it will become complicated in process of development and distribution of information technologies [6, S. 15].

Now computer crime of Ukraine is at the level of the USA the beginnings of the 80th years. But rates and development can't but guard. Estimating cyber terrorism threat, it is necessary to consider some features of our country. It is, first, the high potential and professional level of programmers which services even such leaders of the program industry as Microsoft willingly use. Secondly, a

youth capability quickly to master technical innovations of which still yesterday they had no idea. Considering the fact that the computer facilities constantly become cheaper, it is possible to expect that also the number of Internet users will grow in our country. Thirdly, though still weak, but already noticeable economic recovery without fail will cause growth of a computerization and on one-two steps will bring closer us to the countries with the developed infrastructure, will make threat of cyber terrorism quite real.

Summing up, it is necessary to tell that the problem of counteraction to acts of information terrorism is a complex problem. Today problem of counteraction to acts of information terrorism. Therefore the main task for Ukraine – purposeful work on harmonization and enhancement of the legislation in the sphere of information security of the state. Implementation of effective information policy and informing citizens through media (a capability to resist to attempts of manipulation by means of information flows) about the terrorism reasons, negative its influence and trust to the state which will help to construct system on protection of each person [7, . 308].

As the recommendations submitted on counteraction to dangerous tendencies and increase in efficiency of fight against media terrorism and cyber terrorism we offer the following directions of enhancement: 1) the organization of an effective cooperation with foreign states, their law enforcement agencies and special services, and also the international organizations which task includes fight against cyber terrorism and transnational computer crime; 2) creation of the international contact point on assistance in case of response to transnational computer incidents; 3) expansion of a cross-border cooperation in the sphere of a legal assistance in fight against computer crime media terrorism and cyber terrorism; 4) to create programs for overcoming problems of cyber terrorism for forecasting and modeling of crisis situations and development of optimum responses to «cyber attacks»; 5) to create special structures on tracking and neutralization of the hidden cyber threats with involvement to it of specialists of high level; 6) development of reliable system of protection of the vital government institutions with the maximum isolation of the people responsible for separate links of protection; 7) adoption of laws on electronic safety according to the existing international standards and the Convention of the Council of Europe on fight against cybercrime; 8) to add the Criminal code of Ukraine with concepts of all types of information terrorism and to establish specific measures of responsibility for them.

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*The question of expediency recovery in Ukraine institute the death penalty for premeditated murder. Attention is paid to the approach to resolving this issue in a number of foreign countries. The possibility predictions sentence of death for committing murder third person.*  
**Keywords:** death penalty, moratorium, murder, condemned.



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*The issue of counter economic crime is examined the article. Special attention is paid to the public policy of counter economic crime. The legislation that regulates the issue of countering economic crime and the system of bodies that have the power to counter this type of crime are analyzed.*

**Keywords:** *economic crime, the concept of combating economic crime, tax police.*

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6. : : 07.11.2015 81 [ . -  
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<http://fortetsya.org.ua/projects/other-projects/8408-l-r->
9. . . . : / . . . . -  
: , 1997. - 572 .

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*The article identified and analyzed the development of criminal law for crimes against justice.  
Keywords: official, criminal and legal characteristic, crimes in the sphere of justice, the elements of the criminal law characteristics.*

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 ;9) [9,  
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 ( —1917 .);5) (1917–1991 .);6) ( —  
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 -27 (45,7 %), -42 (71,1 %) 2 (3,4 %)  
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2016 :  
 - 295 (10,2 %); -180 (6,5 %); - 1 524 (53,1 %);  
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2. : : 15.01.1998 22/98- [ ].-  
: <http://zakon2.rada.gov.ua/laws/show/22/98-%D0%B2%D1%80>
  3. : : 10.12.2015 889-VIII [ ].-  
: <http://zakon5.rada.gov.ua/laws/show/889-19>
  4. : : 02.06.2016 1402-VIII [ ].-  
: <http://zakon2.rada.gov.ua/laws/show/1402-19>
  5. . . : 12.00.08 –  
/ . . . – , 2015. – 24 .
  6. : 05.04.2001 2341-III [ ].-  
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.- : . . , 2011. – 20, [9–10] .
  8. : : 02.02.1994 3911-XII ( ).
  9. . . : - , 2007. – 92, [90] .

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*The article deals with the definition of the criminal and legal characteristic of crimes in the official activities sphere, the consideration of its elements and also the distinction of crimes in the sphere of performance management and corruption crimes.*

**Keywords:** officer, criminal and legal characteristic, crimes in the official activities sphere, elements of criminal and legal characteristics, corruption crimes.

« » [1] « » [2],

« » [2]



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[7, . 9].

( . 365-2, 368-4).

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» [8, . 49].

( . 366 ) [5];

( . 368, 368-3, 368-4, 369, 369-2 ) [2];

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. 364, 368, 368-2, 369

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[10, . 108].

[11].

. 191, 262, 308, 312, 313, 320, 357, 410

. 210, 354, 364, 364-1, 365-2, 368-

369-2

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: <http://zakon2.rada.gov.ua/laws/show/827-94-%D0%BF>.
2. : : 10 .2015 .[ ].-  
: <http://zakon3.rada.gov.ua/laws/show/889-19>.
3. . . -  
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4. : 5 .2001 . 2341-III( . 8 .2016 .)//  
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5. . . -  
/ . . // .-2011.- 1.- .195-199.
6. : / . . , . . . [ ];  
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7. : 6 ./ . . , . . . ,  
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1970-1971. - .6:  
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9. . . / . . . - : . -  
. - ,1960.-244 .
10. . . -  
[ ]/ . . // .-2012.- 2.- .105-111.
11. . . : . . . [ ].-  
: [http://www.naiu.kiev.ua/books/mnp\\_krum\\_pravo\\_osob/Files/Lec/T18/T18\\_P1.html](http://www.naiu.kiev.ua/books/mnp_krum_pravo_osob/Files/Lec/T18/T18_P1.html).



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*In the article the basic problems of legal regulation of the banking system of Ukraine in the context of Ukraine's integration into the European Union. The author analyzes the concept of the banking system, considering the imperfections security mechanisms Banking in Ukraine justifies the need to improve banking legislation and consider international experience in banking regulation.*

**Keywords:** *banking, banking system, banking legislation, the National Bank of Ukraine, improvement of banking legislation.*

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[18], [21], [19], [12], [16], [11], [7]

[6, c. 242].

[21, c. 19].

[6, .247].

[3]; « (16 1990 .) »(3 1990 .)[4],

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[19, .49].

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[18, c. 41], [5, c. 83].

[16, c. 151].

[14, c. 208].

[8, c. 13].

[7, c. 4].

[15, c. 71].

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[11, . 128].

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[20, c. 38].

[17, c. 52; 13].

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c. 46]. [9,

[10, c. 81].

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- [20, . 38].

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2002–2011

[22, c. 65].

1. : [ ] //  
.- 29.- : <http://zakon5.rada.gov.ua/laws/show/679-14>.
2. : [ ] //  
.- 8.- : <http://zakon3.rada.gov.ua/laws/show/2121-14>.
3. // .-
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/ . . - ., 1994.- .4-5.

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1961.- 3.-130 .
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10. .-2005.- 11.- .44-46.
11. / . . . // .-2006.- 1 (46).- .80-82.
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13. / . . . . : . . . .-7- . . . .- .: .,2013.-  
360 .-( : . ) .
14. [ ]/ . . . .- : [http://www.nbu.gov.ua/Portal/Soc\\_Gum/Vddfa/2009\\_1/3/5.%20Lobozinskaj.pdf](http://www.nbu.gov.ua/Portal/Soc_Gum/Vddfa/2009_1/3/5.%20Lobozinskaj.pdf).
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16. . . . : . . . ./ . . . .- .: .,2004.-376 .
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19. [ ]/ . . . // .-2010.- 5.- .40-42.-  
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- .- .: .,1998.-342 .
21. // . . . .-2006.- 12.- .37-39.
22. [ ]: . . . . :  
12.00.07 / . . . .- .,2009.-19 .

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*The purpose of scientific research, which results stated in this article, consists in designating the basic theoretical and methodological approaches to the decision of a problem axiological contents in the system of the public administration, in particular: to outline and to classification the system of public values with the purpose of definition of the basic attributes, roles and places of political and public administration values in it; to differentiate concept «political» and «public administration» values, to characterize their connections and interdependence.*

**Keywords:** axiological content, social values, public management values, political values.

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2003.-478 .

4. ( - ) : / . . . - :  
. . . , 2007.-200 .

5. :  
/ . . . // . . . . . - 2003.- 1.-  
. 152-155.

6. : - .  
. / . . . - . : , 2002.-148 .

*The article discloses the role of local budgets and the changes in the tax system of Ukraine due to the fiscal decentralization. Analyses tax allocation in favor of local budgets. Delimits the differences between the notions of «financial decentralization» and «fiscal decentralization». Defines the advantages and disadvantages of fiscal decentralization.*

**Keywords:** decentralization, tax system, local budgets, fiscal decentralization, financial independence.

2014–2015

[4].  
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[5, . 146–147].

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[8, .55–56].

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[6, . 4-5].



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[9, c. 5].

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1. : : 02.12.2010 2755-VI . .  
[ ]. – : <http://zakon5.rada.gov.ua/laws/show/2755-17>
2. : : 28.12.2014 71-VIII . . [ ] . – : <http://zakon0.rada.gov.ua/laws/show/71-19>
3. : : 28.12.2014 79-VIII . . [ ] . – : <http://zakon0.rada.gov.ua/laws/show/79-19>
4. : : 18.06.2014 591- . . [ ] . – : <http://zakon3.rada.gov.ua/laws/show/591-2014->
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8. . . // . – 2016. – 1/2016. – . 55–58. /
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11. / . . // « . – 2015. – 10. – . 1–6.
12. / . . // . – 2015. – 1(17). – . 221–226.

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35.078.3

*The advantages and disadvantages of the single information space functioning is analyzed in the article. The possibilities of a single information space in the fighting crime are considered. Special attention is paid to issue of providing the information security.*

**Keywords:** *a single information space, advantages and disadvantages of a single information space, information security.*

09.01.2007 537-V «  
2007–2015 », -

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[8].

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[5, .118].

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[6, .56].

[3, .29].

[7, .353].

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[3, .199].

1. [ ]. – : <http://police-access.info/2015/04/borotba-z-nesanktsionovany-m-dostupom-i-nezakonnymy-operatsiyamy-z-obrobky-personalnyh-danyh/>.
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6. . . ( ) : . . ./

. . . - : ,2013.-102 .

7. : / . . . . -  
.: ,2009.-404 .

8. :  
: 15 2013 . 386- [ ] . - : <http://zakon4.rada.gov.ua/laws/show/386-2013-> .



*This article analyzes the subject composition of administrative violations in the field of health. Attention is focused on a specific problem of securing health worker, as a subject of administrative violations in the field. Separately, the ways of improvement of legislation on health and administrative responsibility. The necessity of fixing certain categories of domestic legal act.*

**Keywords:** *medical professional, administrative offenses, public health.*

« ' – 2020»,

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( .42),  
( . 42-4),  
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. 44-2,  
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[6, .29].

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2. // ( ) .-1984.- 51.- . 1122.

3. ' // ( ) .-

1993.- 4.- . 19.

4. , , . 140 « // .-2013.- 3.- . 330-335.

5. : . 12.00.05 « ; »/ . . , 2005.-20 .

6. : . 12.00.08 « ; - »/ . . , 2011.-49 .

7. / .-2006.- 3.- . 5-10.

8. // .-2011.- 4.- . 207-213.

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*Article deals with investigation the practical issues which arise in judicial practice in cases on protection of honor, dignity and business reputation, and also for the application of national legislation and international law in making decisions on this category of cases.*

**Keywords:** *honor, dignity, business reputation, the court decision, judicial precedent, legislation.*

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27.02.2009 1 [ ]. – : [http://zakon3.rada.gov.ua/laws/show/v\\_001700-09](http://zakon3.rada.gov.ua/laws/show/v_001700-09)
2. ( ):  
31.03.1995 4 [ ]. –  
: [http://zakon3.rada.gov.ua/laws/show/v\\_001700-09](http://zakon3.rada.gov.ua/laws/show/v_001700-09)
3. [ ]. – :  
<http://www.reyestr.court.gov.ua>
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[ ]. – : [http://zakon3.rada.gov.ua/laws/show/995\\_004](http://zakon3.rada.gov.ua/laws/show/995_004)
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7. « » // , ,  
; , 21.03.2002.
8. « » // , ,  
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*The article is devoted to legal regulation of state registration of business entities, in particular regarding the characteristics and detailed analysis of the legal acts investigated issues and formulates proposals to improve the existing legislation in this area.*

**Keywords:** *state registration, entrepreneurs, legal entities, individual entrepreneur, single state register of legal entities, individual entrepreneurs and community groups.*

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« »– « », :1) - , ;2) , [2, . 1020–1021].  
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[1, . 488],  
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1991–2003 : 1)  
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[14, . 115–118].  
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[16, .2-3].

[10, .38].

[17, .42].

[18]

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[19, .58, .128],

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[18, .4

.87, .1 .89].

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[15],

01.01.2016,

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1. . . . : ./ . . ; . . -X.: , 2008.-656 .
2. . . . : / . . . . . . . - ; : , 2003.-1440 .
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*The present article deals with the problem questions that arise during realization prosecutor supervision inhibition of laws in custodial setting. On basis of analysis of the studied material suggestions are given in relation to perfection realization of this supervision.*

**Keywords:** *public prosecutor's supervision, plenary powers of public prosecutor, inhibition of rights and freedoms convict.*

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*In this article the positions of scientists, lawyers and advocates to the implementation of the advocatory monopoly on representation in court were examined. Referring to the international experience, has made the conclusions of possible positive and negative effects of such a reform in Ukraine.*

**Keywords:** *advocacy, advocacy, monopoly, foreign experience, representation.*

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*This article is devoted to the value of judicial reform in Ukraine. The necessity of forming a highly professional judges and an analysis of the proposed qualification requirements for candidates to fill the respective positions.*

**Keywords:** *judicial reform, the judicial system, professional corps of judges, qualifications, law, duty.*

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*In the article there are analyzed the issues of the court's independence that grants human's rights protection in Ukraine. Judge's independence as a feature of a legal state, where any person has a right to court trial and protection of his right and freedoms, is being protected by the inter-related group of norms, previewed by the articles 367–379 of the Criminal Code of Ukraine.*

**Keywords:** *ourt, the principle of judicial independence, the right of citizens immunity of judges, criminal liability.*

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*The question of the methodology of the history of the activities of the internal affairs of Ukraine, traced the theoretical achievements of famous domestic and foreign scientists in the field of creation of the state, certain tasks police officers, which arise in the course of administration.*

**Keywords:** law enforcement bodies, methodology of history, state and administrative activities.

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*The article deals with urgent legal matters of legal regulations with acts of Russian autocracy of legal status of Jewish national minority in Ukraine (19 century).*

**Keywords:** *legal regulations, law act, legal status, national minority.*

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