1. HISTORY AND THEORY OF STATE AND LAW

History of political and legal doctrines,

Philosophy of law

Angelika Baran,
Candidate of Juridical Sciences (Ph.D.),
Associate Professor at the Department of Theory and
History of Law of the Faculty of Law,
Ternopil National Economic University

THE RIGHTS OF ORPHANS AND CHILDREN DEPRIVED OF PARENTAL CARE IN UKRAINE: PROBLEMS OF REALIZATION AND PROTECTION

In the context of building a new social paradigm of social development and adoption of humane social legislation, child protection appears to be an important problem of modern Ukraine. Attitude of society to their children reflects the real level of protection of the rights and freedoms of man and citizen, and is an indicator of the possibility of formation of Ukraine as a social state and the formation of a human being as a personality. The main duty of ensuring the implementation and protection of the children's rights is entrusted to the parents but according to Ukrainian legal realities a number of children's rights and liberties are ineffective due to lack of an active behavior of the state. Especially when it comes to orphans and children deprived of parental care.In Ukraine, orphans and children deprived of parental care are outside of the family protection and they belong to the most vulnerable layer of society. This demonstrates the need for fundamental research which will form the basis of legislation and functioning of an effective mechanism of implementation and protection of the rights of the above mentioned category of children. The article analyzes the problems of implementation of the rights of orphans and children deprived of parental care as the right to bringing up in the family, the right to full material supply, the right to housing, the right to healthcare, the right to employment, the right to protection during armed conflict. It is investigated that the rights of orphans and children deprived of parental care are legally settled, however, there is a problem in the unstable economic situation in Ukraine, because of this legally established social standards and guarantees do not meet the real needs of citizens, including orphans and children deprived of parental care.

Andriy Grubinko,
Candidate of Historical Sciences (Ph.D.), Docent,
Associate Professor at the Department of Theory and
History of Law of the Faculty of Law,
Ternopil National Economic University

CONCEPTUAL APPROACHES TO THE PROBLEM OF EUROPE UNION'S POLITICAL-LAW ORDER

In the article the looks of the leading Ukrainian and foreign researchers and analytics to the problem of essence and development European Union's political-law order are presented. Attention on debatable character and ambiguousness of the offered determinations of Union's political form within the framework of classic political conceptions, aggregate factors, which predetermine complication political-law description of EU on the modern stage of his forming is accented.

European Union is the unique association of the European states. It combines the lines of intergovernmental organization, confederation and federal kwazi-state formation. First of all EU is international organization. It has small chances to grow into the classic state with common jurisdiction on all territory, single system of organs of state administration, only constitutional law and general identity. Although an association experiences quite a bit problems, one of which there is a not quite optimal institutional structure, it does't cost to underestimate integration power of EU. Future development of EU will be accompanied by further creation of the special structure of this association, in fact among the member-states there is not unity in relation to the mode of their association.

Oksana Yaremko
Candidate of Juridical Sciences (Ph.D.), Docent,
Associate Professor at the
Criminal Law and Process Department
of the Faculty of Law,
Ternopil National Economic University

IMAGE OF A PERSON IN THE POSTMODERN EUROPEAN LEGAL CULTURE

It has been carried out the investigation of the image of a person in modern European legal culture. It has been found that the processes of integration lead to the establishment of a person rights as a subject of his own country and European community law in general, the recognition of his legal personality. It has been paid attention to new forms of rational postmodern legal institutions. It has been revealed that the European standards in the field of criminal proceedings and the imposition of the punishments are based on humane appropriate rather than utilitarian considerations, indicating a real affirmation of humanism or humanistic rationalism in the institute of penalties in the western legal culture.

It has been researched the presumption of innocence as a fundamental safeguards against arbitrary state in relation to a person. It has been proved that one of the manifestations of humanistic values and rationality in postmodern society is the individual approach for assessing fault, namely the removal of the burden of proof of an individual and his reliance on the state. It has been done the legal assessment of the act, which results in the assumption of imperfect human nature. At the same time it has been found out that the worst "nature" does not involve a criminal act, nobody can predict crimes, and therefore punish people. It has been proved that legal humanism expresses itself as antyfatalizm.

It has been given critical analysis of the criminal law science in sentencing proposals that did not take into account the positive characteristics of the accused and has been regarded them as manifestations of anti-humanism. It underlines the necessity of overcoming the final partial image rights in criminal proceedings and the need to appeal to the whole image of a person, which modern humanitarian knowledge has already formed. It suggests the position for the necessity of spiritual rationality paradigm strengthening, which synthesizes the achievements of science, philosophy and Christian humanism.

Mykola Kravchuk,
Candidate of Juridical Sciences (Ph.D.), Docent,
Head of the Department of Theory and
History of Law of the Faculty of Law,
Ternopil National Economic University

COMPREHENSION OF LAW - IMPORTANT SCIENTIFIC PROBLEM OF LEGAL LIFE OF UKRAINE

The article is devoted to the important topic of legal life of Ukraine - comprehension of law. The author puts emphasis on the importance of materiality and importance of different types of comprehension of law. In addition, the author draws attention to the importance of establishing the essence of the concept of law as a fundamental law. This paper examines the similarities and common concepts - "comprehension of law" and "rights". The conclusion is that if the category of "comprehension of law" reflects the process knowledge of the phenomenon that is considered right, and the result of this process, the "concept of law" captures only the result.

The article discusses the importance and essentiality of different types of comprehension of law and the concept of law that is the basis of jurisprudence. Type of comprehension of law defines a paradigm, the principle and an option (semantic model) legal knowledge of law and the state. In addition, it proved that the type of comprehension of law and depends on the actual scientific and legal content, subject and method of the corresponding concept of jurisprudence.

The presented research is highlighting the views of modern scientist-lawyers on features understanding of the law. Also, the article discusses the concept of comprehension of law as the right assessment and perception of it as a holistic social phenomenon.

The author comes to a logical conclusion about whether the present dual typology existence of comprehension of law. This conclusion comes from the author of many ways local scientists about the value and use of two main types of comprehension of law (positive, natural).

Valentyna Kravchuk,
Candidate of Juridical Sciences (Ph.D.), Docent,
Associate Professor at the Department of Theory and
History of Law of the Faculty of Law,
Ternopil National Economic University

LEGAL SPACE OF THE STATE: PROBLEMS OF DETERMINING IN VOLUME AND CONTENT

The article disclosed the concept of «legal space», correlation between the concepts of «space» and «territory». Legal Space is appropriate to perceive that as a kind of social structure that covers a space of meaning, connectedness specific legal claims; dependencies, relationships and actions of different legal entities.

Implemented as an attempt to define the term «legal space of the state», this will contribute to a holistic understanding of the nature and essence of the state. It is alleged that legal space of the state coordinates the plurality of separate legal spaces and is a coherent set of legal phenomena, actions and events, interactions and relationships, caused by the objective laws of human development.

If the public space is seen as a field of political, public events, the legal space - a substrate actions legal system, if the territory of the State rigidly fixed its state borders, the public space is in motion is the dynamic characteristic of being of the state.

The content of the legal space of the state is due to the sovereignty and the people.

Consequently, the legal space of the state system is a complex phenomenon dependent on the development of the country, emerging and evolving in a certain legal environment.

Tetiana Podkovenko,
Candidate of Juridical Sciences (Ph.D.), Docent,
Associate professor at the Department of Theory and
History of Law of the Faculty of Law,
Ternopil National Economic University

MEDIATION INSTITUTE: INTERNATIONAL EXPERIENCE AND UKRAINIAN PROSPECTS

The article is devoted to research features of the legal nature and essence of mediation as an institution of alternative solving legal conflicts. The features of the legal regulation of mediation are determined by international documents. The global experience of European countries in the application of mediation and legal provisions governing its implementation are analyzed, the features of the existing legal systems are taken into account. Realities and prospects legal provisions for mediation in Ukraine are elucidated.

In recent years, the term "mediation" is becoming more popular and even common in the legal environment, not only abroad but also in our country. The idea of mediation is quite modern and responsible with the trends of democratization of social life, increase self-awareness and construction of legal state. High efficiency of mediation is determined primarily by its basic principles as neutrality, voluntary, confidentiality, expertise, privacy, speed and effectiveness.

The development of mediation in the modern world is conditioned by the real challenges faced by judicial system. Among these problems include - the length of trials, the high cost of presenting cases in courts, difficulties in legal regulation. Therefore, at the present stage of development of Ukrainian society, mediation rightly be regarded as one of the most promising and effective alternative ways to resolve conflicts.

Mediation is perspective and is able to independently compete with other procedures for conflict resolution, as each of them - has its own unique niche in the legal system constructive resolution of legal conflicts.

Vasyl Uhach,
Candidate of Historical Sciences (Ph.D.), Docent,
Associate Professor at the Department of Theory and
History of Law of the Faculty of Law,
Ternopil National Economic University

A QUESTION OF STATE SYSTEM IN IDEOLOGICAL CONCEPTIONS AND POSITION PAPERS OF UKRAINIAN NATIONALISTS (30 – 40 years of XX century)

The article attempts to explore the question of statehood through the prism of ideological concepts and policy documents of Ukrainian national movement 1930-1940 period of the XX century. It was found out the reasons for the evolution of views on the concept of movement leaders of the future structure of the Ukrainian state.

It is emphasized that in the historiography scientists have not paid too much attention to the concepts of state, which offered Ukrainian national movement.

It is emphasized that the issue of political system OUN (since 1929) pointed out three phases of state building, which depended on the form of state building: the first stage (liberation struggle) - the national dictatorship; the second phase (internal order) - the head of state will have the task to prepare the establishment of the highest legislative bodies; the third phase (phase orderly state) - the head of state will be called by the parliament, which will appoint a government accountable to and representative bodies.

Both nationalist organizations (OUN-B and OUN-M) created the State Planning Commission, which had the task to develop bills in state construction.

Analysis of scientific themes made it possible to make the following generalizations:

- Firstly, the ideas of state-generated intellectual elite nationalist movement were a significant evolution that was due to both changes in European geopolitics and internal conditions of struggle;

- Secondly, the problem of statehood was considered ambiguous in ideological concepts and policy documents Ukrainian nationalist movement during the Second World War.

2. Constitutional Law,

Administrative law and process;

Finance law;

Information Law,

International law

Tetiana Drakokhrust,
Candidate of Sciences in Public Administration (Ph.D.),
Senior lecturer at the Department of International Law
and the European Integration of the Faculty of Law,
Ternopil National Economic University

CURRENT ISSUES OF THE LEGAL STATUS OF INTERNALLY DISPLACED PEOPLE IN UKRAINE

In the article the regulations of governing the legal status of internally displaced persons in Ukraine in particular the Law of Ukraine "About the legal status of persons who are forced to leave the place of residence due to temporary occupation of the Autonomous Republic of Crimea and in Sevastopol. and circumstances related to the anti-terrorist operation on the territory of Ukraine" , Law of Ukraine "About the rights and freedoms of internally displaced persons" and the Law of Ukraine "About the fight against terrorism" are analyzed. The author outlines the basic problems that are related to forced displacement of people. This, in turn, the registration of internally displaced persons, providing them with financial assistance, renovation of social benefits, pensions, housing and so on.

According to the author, the system of executive authorities, despite on the declaration of course on decentralization remains centralized. This is primarily manifested because a letter and explanations of central government are applied on the same level as the Law of Ukraine and the Cabinet of Ministers of Ukraine.

These recommendations often contradict one another or directly contravene the provisions of a legal act. The author also emphasizes that the issue requires solving urgent questions of dismissal of people with jobs in the area ATO, what people need to do to obtain unemployment benefits - though some sources of income for people who find themselves far from home with no money and work. Also re-issue business without registration of residence. The author proposes a list of measures to solve the problems of internally displaced persons.

Yaryna Zhukorska,
Candidate of Juridical Sciences (Ph.D.), Docent,
Head of the Department of International Law
and the European Integration of the Faculty of Law,
Ternopil National Economic University

LEAGUE OF ARAB STATES: THE QUESTIONS OF DEVELOPMENT AND PROSPECTS

The international organizations and associations have a big influence at the international arena in modern world. The League of Arab States (LAS) takes one of the central places in the Muslim world.

The aim of this article is studying of the development stages of the Arab League as a central element of the structure of international cooperation of the Muslim world and analyzing the prospects of its development today.

The idea of unification of Arab States have appeared before World War II. The beginning of the Arab League was signing an agreement "On friendship and alliance" between Saudi Arabia and Iraq on April 2, 1936. LAS was created by Congress in Alexandria, which was held from 25 September to 17 October 1944.

The Arab League Pact secured obligation to provide comprehensive assistance to Arab nations, including support intentions to gain independence.

LAS is governing with the Council of the Arab League and Arab parliament created in 2005. Economic council and General Secretariat are acting too.

Since 1950 the Arab League has gained observer status at the UN. At UN headquarters acts permanent delegation of the Arab League.

By analogy with the UN system, the Arab League system includes the specialized organizations, institutions and agencies with a special legal relationship with her. Today there are 22 members states at the Arab League.

LAS compared to other modern international organizations has several positive aspects:

- the state may be expelled from the organization for failure to fulfill obligations;
- the state cannot block decisions.

However, a decision for which the state did not vote is not binding for it – it is negative aspect of making decision in LAS.

Iraq falls apart, the issue of Iran's nuclear program in case if closed, but we understand that this issue may occur at any time again. Civil war is in Siria now, Turkey and Saudi Arabia in taking in it. The Arab League could become a powerful institute for settling disputes between States in modern international relations within such circumstances.

In 2005 Arab states began reforming the Arab League in order to transform it into the Arab Union similar to the European Union. In addition to reforming the system of bodies and institutions in which the first step was the creation of Arab parliament. Member states signed a protocol on the formation of the Arab forces.

According to the draft of treaty, the army Arab League will consist of 40,000 soldiers, thousands of military pilots and 3 thousand employees of the Navy. The headquarter of the joint forces of the Arab League will locate in Cairo.

If the Arab League member states make efforts and reforming and modernizing its organization it has a real chance to become an influential organization with great power at the international arena.

Uliana Koruts,
Candidate of Juridical Sciences (Ph.D.),
Lecturer at the Department of International Law
and the European Integration of the Faculty of Law,
Ternopil National Economic University

THE SEPARATE ASPECTS OF THE EXECUTION OF JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS

The presented paper is devoted to the analysis legal regulation of the process of exercising of judicial decisions of European Court of Human Rights. Describing ways and current state of decision's exercising in Ukraine. As the result it is defined system problems in Ukrainian legal system and the impact of ECHR and its decisions.

The author outlines that the contracting parties undertake to abide by the final judgments of the European Court of Human Rights ("the Court") in the cases to which they are parties (Article 46, paragraph 1). The Convention entrusts the Committee of Ministers with the supervision of Court judgments (Article 46, paragraph 2), as well as the terms of the friendly settlements (see notably Article 39, paragraph 4, as amended following the entry into force of Protocol No. 14, on 1st June 2010).

Most judgments only declare the violations established, leaving to the States, under the supervision of the Committee of Ministers, to define the required execution measures. These measures depend on the circumstances of each case. In a certain number of recent judgments, in particular those concerned by the pilot judgment procedure, the Court has, however, started to make certain recommendations with respect to execution.

According to the author, when exercising supervisory function, the Committee of Ministers is assisted by the Department for the Execution of Judgments of the Court (established within the Directorate General of Human Rights and Legal Affairs). The obligation to abide by the judgments encompasses two main elements. As far as the applicant's individual situation is concerned, the main obligation is to ensure that measures are taken which achieve, as far as possible, restitutio in integrum for the applicant. Such measures include notably the effective payment of the just satisfaction allocated by the Court (including the payment of default interests in case of belated payment). When the consequences of a violation cannot be adequately erased by the just satisfaction awarded, the Committee of Ministers makes sure that the domestic authorities take the other specific individual measures in favour of the applicant which may be required. Such measures can, for example, consist in the granting of a residence permit, the reopening of a judicial procedure and/or the erasure of a conviction from the criminal records.

Mariana Kravchuk,
Candidate of Juridical Sciences (Ph.D.),
Lecturer at the Department International Law
and the European Integration of the Faculty of Law,
Ternopil National Economic University

HISTORICAL REVIEW OF STATE CONTROL OF FORMATION OF AGRICULTURAL ECONOMY OF UKRAINE

Today the analysis of historical experience of formation of state control in the agricultural sector of Ukraine is one of the urgent issues. From the study of positive and negative experiences on finding ways of effective mechanisms of state control in Ukraine, the existence of scientific basis of legislative process towards settlement of the relevant relations can be ensured.

The problem of state control over Ukrainian agricultural lands was a subject of special studies of such scholars as: V.S. Kulchytskyi, V.I. Kurylo, B.D. Lanovyk, V.Ya. Malynovskyi, L.A. Pylypenko, V.A. Stanislavskyi, V. Sukhonos, V.P. Fedorenko and others.

The historical experience of our country and other countries of the world indicates that interest to agricultural development in society is increasingly growing. Based on the above mentioned, the purpose of this article is to analyze and study the features of state control in agriculture of Ukraine to immediately eliminate gaps through comprehensive fundamental research, taking into account historical experience.

We made a conclusion that state control is an essential tool of governmental management, and it's almost impossible to distinguish a sphere where it was not used. However, there are many problems that need urgent solutions and that produce directions for further development of state control in general and in agriculture in particular. Most of these negative trends are associated with the lack of appropriate legal framework and adequate legal mechanism, which in their mutual combination would facilitate the effective performance of state control in the agricultural sector.

Olena Melnychuk,
Candidate of Juridical Sciences (Ph.D.),
Senior researcher,
Koretsky Institute of State and Law of
National Academy of Sciences of Ukraine

INTERNATIONAL LEGAL ASPECTS OF MIGRATION CRISIS

The article examines the historical background of international legal regulation of migration issues, including the status of refugees, the analysis of international instruments (the Refugee Convention 1951, Protocol 1967) and European instruments (Dublin Regulation) in this area. It is also paid attention to the implementation of these legal documents in the domestic law. It reviews the activities of the United Nations High Commissioner for Refugees. It is concluded that the existence of quite an extensive international legal system to protect the rights of refugees and determining their status does not guarantee the resolution of their problems.

The aim of the EU, besides others, is the creation and implementation of a unified concept of asylum to refugees and ensuring their general status. The competence of a common EU policy in this area regulate art. 61-69 Treaty of Amsterdam 1997, and art. 18 EU Charter of Fundamental Rights 2000.

Council of Europe adopted documents to protect or improve the situation of refugees: European Agreement on the abolition of visas for refugees 1959, European Convention on the transfer of responsibility for refugees 1980, Recommendation on the legal status of persons who are equal to the refugees 1976 and others.

European migration crisis 2015 demonstrated that European countries are not able to solve these problems only by providing them with protection. It is a matter of joint efforts of the international community. It has not only economic and humanitarian component, but also largely depends on the coordination of political will of States.

Natalia Mentuch,
Candidate of Juridical Sciences (Ph.D.), Docent,
Head of the Department of Constitutional,
Administrative and Finance Law of the Faculty of Law,
Ternopil National Economic University
Oksana Shevchuk
Candidate of Juridical Sciences (Ph.D.), Docent,
Associate Professor at the Department of Constitutional,
Administrative and Finance Law of the Faculty of Law,
Ternopil National Economic University

HARMONIZATION OF LEGISLATION UKRAINE ON FINANCIAL SERVICES LAW IN EUROPEAN UNION ASSOCIATION AGREEMENT BETWEEN THE EU AND UKRAINE

The article analyzes the Law of Ukraine № 1678-VII «On ratification of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand." The authors outline the personality of Ukraine in the system of international legal regulation of financial services and highlight the process of adaptation of Ukraine on financial services to EU norms and standards.

According to the authors` points of view, the creation of a common market which requires standardization and harmonization of rules which governing the activities of financial institutions across the EU, dictated also by the need for harmonization of market, monetary and exchange rate policies of member countries, the necessity of which one is increasing in the integration between them. An example of successful harmonization of regulation of the financial services market is the EU.

The authors conclude that in view of the current legislation of Ukraine in the financial services meets the basic standards of the European Union. However, along with a number of positive changes, there are some outstanding issues relating to the relationship as essentially insurance (insufficient regulation of relations reinsurance) and formal, procedural matters (uncoordinated subordinate legislation provisions together, need to update the provisions they contain). Relevant questions remain uncoordinated actions of the executive authority in the field of adaptation, no mechanism of control over the compliance of the Verkhovna Rada of Ukrainian laws and bills pending before Parliament, and the requirements of EU legislation.

Taras Tsymbalistyi,
Candidate of Juridical Sciences (Ph.D.), Docent,
Associate Professor at the Department of Constitutional,
Administrative and Finance Law of the Faculty of Law,
Ternopil National Economic University
Oksana Rosoliak,
Candidate of Juridical Sciences (Ph.D.), Docent,
Associate Professor at the Department of Constitutional,
Administrative and Finance Law of the Faculty of Law,
Ternopil National Economic University

AGENCIES OF CONSTITUTIONAL JURISDICTION IN THE MECHANISM OF PROTECTION OF HUMAN RIGHTS AND FREEDOMS IN UKRAINE AND POLAND

The article examines the general model of human rights and freedoms, analyzes forms of implementation of the Constitutional Court of Ukraine function of protecting human rights and freedoms, the Polish experience relevant legal regulations, in particular in terms of constitutional and legal regulation of the constitutional complaint, specifying areas of improving the current legislation studied issues.

The study determined that the authorities of constitutional jurisdiction occupy important place in the mechanism of protection of constitutional human rights and freedoms in Ukraine and Poland. Most of their cases under consideration and decisions somehow related to human rights. In addition, there is every reason to believe that the mere existence of such a body of constitutional review largely disciplined public authorities, forcing them to act according to the laws of Ukraine, directing its activities to support and protect human rights and freedoms.

The article is formulated conclusion that the Polish version protect of human rights and freedoms by authorities of constitutional justice is very interesting and deserves attention in Ukraine. This applies particularly to regulation of the institute of the constitutional complaint. In this regard, it would be appropriate to use this experience and give citizens the right to appeal to the Constitutional Court of Ukraine, but after exhausting all other legal means.

Natalia Chudyk
Candidate of Juridical Sciences (Ph.D.), Docent,
Associate Professor at Department of Criminal Law
and Process of the Faculty of Law
Ternopil National Economic University

DECENTRALIZATION OF POWER – THE PATH TO DEMOCRACY

We live in a very difficult time. The state took a course on decentralization, which entails reforming local government and territorial organization of power, virtually complete reformatting of the current management system.

Why did we choose the way of decentralization? The European and world experience shows that local problems can be effectively resolved only at the local level. The state never reaches the problems of each village or town. All post-socialist countries of Central and Eastern Europe have gone decentralization. And all of them received a huge boost to its development. It involves the transfer of powers to address local issues at the grassroots, the baseline level of communities - in villages, towns, cities - where communities know what problems to solve first. However, state transfers powers and finance, and responsibility to these communities. Chairman of the united territorial community will have over a head. No one can point to him that he had to do. Even the Prime Minister. And that's the main thing.

Ukraine in 1996 ratified the Charter of Local Self-Government and present changes to the Constitution are implemented with the principles of the body of the Constitution.

You know that there was already effective vote in the first reading amendments to the Constitution regarding decentralization. After final approval, these changes will be vital decisions, make irreversible reforms aimed at bringing Ukraine closer to Europe, to ensure a prosperous life for our citizens.

3. Civil law and civil process;

Family Law;

International private law;

Commercial law; Commercial - procedural law

Natalia Butryn – Boka,
Candidate of Juridical Sciences (Ph.D.),
Senior lecturer at the Department of Civil Law and
Process of the Faculty of Law,
Ternopil National Economic University

CORPORATE LAW AS A SUBJECT OF THE TESTAMENT AND INHERITANCE CONTRACT

Corporate relationships are one of the most difficult public legal relations sectors that require legislative improvements and proper attention of academics. Variety of life confirms the necessity to address the issue of corporate succession rights. It should be noted that the same corporate rights are the subjects of legal acts and contracts. There are some disputable questions about the legacy of corporate rights and their legal consequences. Therefore, this topic is relevant and it requires attention of researchers.

A study of hereditary relationships, where corporate law is a particular subject, was performed by well-known scientists and professionals like V. Kravchuk, V. Krat, O. Pechenyy, V. Vasilyev, V. Vasilieva, S. Rabovska, N. Yesaulenko, V. Lutz, I. Kalaur and many others.

Corporate rights are integral, indivisible and interrelated. The procedure for acquisition and termination of corporate rights is carried out by providing legal acts and contracting parties to corporate legal relations. This transition of corporate rights is possible not only while using such classical law of obligations as a contract of sale, gift, exchange, but also within the hereditary relationships. Their inheritance is possible on the basis of the will, i.e. one-party legal act, during the conclusion of the contract of inheritance, etc.

Exploring issues of corporate rights as a subject of the will and inheritance contract, we come to the conclusion that a hereditary contract has more certain advantages than a will. However the practice shows that a will is one of the most common legal acts.

I. Protsenko,
Research Assistant of Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine

CHARACTERISTICS OF THE BASEL CONVENTION ON THE ESTABLISHMENT OF A SYSTEM OF REGISTRATION OF WILLS IN 1972 AND ESPECIALLY ITS APPLICATION IN UKRAINE

In article deals with the contents of one of the main international legal instruments of the modern international inheritance law - the Basel Convention on the Establishment of a Scheme of Registration of Wills 1972, according to which a number of European countries have introduced Registers of testaments and hereditary cases designed to eliminate cases of not receiving information about the heirs of inheritance. This international treaty obliges States Parties to introduce in their territories registers of wills. At the same time, they are recorded not only the will, committed abroad, but also a will draw up and certified in the State which conducted the corresponding register. The testator did not have to be a citizen of the state party conventions or permanent residence in its territory. Simultaneously, the Basel Convention establishes a list of data that are entered in the register, which, however, is not final. The article also discloses a procedure for obtaining data from the citizens of Ukraine inherited registers of other states and the procedure for obtaining such data, foreign nationals from the Register of testaments and hereditary cases of Ukraine. In Ukraine registration of hereditary cases is doing in a special register - Heritage Register. Ukraine Heritage Register is electronic data base, which contains information on certified (compiled and/ or received for storage) wills and inheritance contracts, about open notary hereditary affairs and issue a certificate of right to inheritance.

Volodymyr Kochyn
Candidate of Juridical Sciences (Ph.D.)
Scientific Secretary of the Institute of Private Law
and Entrepreneurship
named after F. Burchak NAPrN of Ukraine

THEORETIC PROBLEMS OF SYSTEM OF NON-PROFIT SOCIETIES AS LEGAL ENTITIES OF PRIVATE LAW

Civil law scientists' interest in "the third sector" is caused by of its key element that is the non-commercial partnership, and currently legal regulation is not carried out properly. Thus, the purpose of the outlined article is to determine the classification of non-business group companies as legal entities of the private law. The primary scientific problem is the problem of civil rights implementation and protection of individuals' subjective rights. With the help of the right to freedom to unite for individuals and legal entities, moral and economic rights and interests unrelated to business activities can be mutually realized.

The main division criterion for non-business partnerships as legal entities of the private law should be the interest of their founders. After separating private utility companies we should define "private interest" within the concept of "non-commercial society". Thus, it aims to implement only founders' purposes. This group can be divided into: the company created for the realization, protection of moral rights and interests; the company created for the realization, protection of property rights and interests.

The basis of public utility companies is socially beneficial interest. They are created to meet the interests of unspecified people or entities united according to certain characteristics (age, social, economic, etc.). To our mind, it is more appropriate not to discuss separate individuals but to discuss the interest, for the implementation of which they create a public benefit organization in the form of non-commercial partnership. Public interests of non-commercial partnerships are closely related to the public interest that is primarily implemented by the state. In this regard, the criterion of the division of public utility companies into subgroups is either availability or absence of such entities powers.

Mariana Verbitska,
Candidate of Juridical Sciences (Ph.D.),
Associate Professor at the Department of Constitutional,
Administrative and Finance Law of the Faculty of Law,
Ternopil National Economic University

SUBJECT COMPOSITION OF PERSONS WHO MAY APPLY TO THE COURT FOR A COURT ORDER

The article briefly explored the correlation of right to judicial protection and right to appeal to the court with the application for writ.

The article is dedicated to analyze and study of the legal principles of applying to the courts for a court order in terms of the number of persons who are endowed with this right, the purpose of their participation in mandatory proceedings, representative bases such participation, feasibility and universality of the relevant procedural rules.

In the publication is determined that the terms of the right to appeal to the court for a court order are:

- Presence in the civil procedural legal personality of the applicant;
- Claims brought under Art. 96 GIC of Ukraine;
- With the application and submitted documents not seen the issue of law;
- The content of these requirements is the collecting of funds.

The author stresses that the reality of judicial protection of rights and legitimate interests of individuals and legal entities depends on the terms of the grant, delaying the trial in constant inflation makes the protection ineffective and often formal. Thus, the primary function of acting proceedings – is especially prompt and effective protection of violated or disputed rights and interests of persons with provision of all the principles of civil procedure.

Oleh Vivcharenko,
Doctor of Juridical Sciences, Docent,
Doctor of Ukrainian Free University,
Deputy Director of the Law Institute of
Vasyl Stefanyk Precarpathian National University

STATE AND MANIFESTATIONS RESEARCH ISSUES OF LEGAL PROTECTION OF LAND UKRAINE

This article is devoted to legal regulation of public relations for land protection that is based on the creation of the legal framework in Ukraine, which defines legal standards in the field of rights to land, property and other rights to land, which are based on European standards, focused on the priority of ensuring the safety of land.

Formation and improvement of legal regulation of relations on protection of lands which are belonged to the priority areas of adaptation of Ukraine to the EU legislation by the Law of Ukraine "On State Program of Adaptation of Ukraine to the European Union," which is elaborated to form and improve the development of new relationships, to strength the regulation of relations on land, to ensure the compliance and harmonization of legislation.

The author concludes that problems of land protection have its determinants systemic and institutional levels, due to objective - the different categories of land and their legal regime - and subjective reasons.

Mainly, as it can be seen, chronic attempt to shift the burden of the state protection of land for themselves and relevant authorities or for reasons of preservation of state to this strategic direction of environmental safety or preservation of posts for officials.

Mainly, as it can be seen, chronic attempt to shift the burden of the state protection of land for themselves and relevant authorities or for reasons of preservation of state to this strategic direction of environmental safety or preservation of posts for officials. Ignoring the fact that government spending should be minimized and the main burden should go to the land protection for landowners and land users. Legal protection of land can be seen in the broader complex aspect as tools, methods, forms of public and private law that ensure the preservation of the natural state of the land and its improvements or in a narrow sector, which at its law and methods of regulation of relations on land ensures their defined state law.

Serhiy Grytskevych,

Candidate of Juridical Sciences (Ph.D.), Docent,

Professor at the Department of Civil Law and

Process of the Faculty of Law,

Ivano-Frankivsk University of Law

named after King Danilo Galician

PROSPECTS OF DEVELOPMENT OF "REFORMED" HIGHER EDUCATION IN NETWORK SPACE.

This article discusses the features of the crisis of the Ukrainian higher education against the background of global trends of growing gap between education systems needs nowadays. Because the education system is changing much more slowly than all other social structures. We are still actively used the concepts and technologies of the 19th century. There is an opinion that humanity time to start treating education as a regular market service. This is not so. The most important skull in the 21st century is to find new market niches. Any person that works on the curve and endowed with the necessary skills to be a winner. Educational institutions should be as wide as the modern world, or gradually become a thing of the past. In the world of technology is no professional license. Each person who wants to participate in creating new products easily finds this opportunity without asking permission from the State. Technologists developing rapidly. If people's education, will help them in life, it's the teacher. The teacher is a hope of good coaches and only then didactic information.

Oksana Hnativ,
Candidate of Juridical Sciences (Ph.D.),
Senior lecturer at the Department of Civil Law and
Process of the Faculty of Law,
Ternopil National Economic University

PRACTICAL ROLE OF EMPHYTEUSIS IN MODERN CIVILISTICS

Modern legal studies widely discuss agreement relations concerning use of agricultural land. The agreement relations in the land law open the problems of property rights to the land owned by another person and they require some improvement. The article is devoted to the agreements characteristics of land use for agricultural purposes (emphyteusis), as well as it analyzes financial means and the problems of legislation improvement in this field.

Emphyteusis is the right to a limited term lease of land for agricultural needs. The Ukrainian land law has been developed under European legal traditions, but it does not cover all aspects of establishing and use of emphyteusis, as it is limited by its basic principles. Some problems concerning the subjective content of an agreement on emphyteusis establishing require more details and itemization. As they involve agricultural lands in order to satisfy the needs of farming it would be reasonable to limit the subjects taking into account only citizens of Ukraine and legal units of Ukraine which activities are of agricultural nature. This mechanism is useful and convenient because, if a land owner doesn't want to lose the property right on his/her land, and, at the same time he/she is not able to cultivate it, so, in that case, he/she can transfer it to another person's ownership for long-term use according to the property law.

The emphyteusis agreement is an interesting alternative to a lease contract for agricultural lands and it has some important advantages as there is no perfect regulation of the mechanism in the Ukrainian legislation.

G. Grabovska
Candidate of Juridical Sciences (Ph.D.),
Associate Professor of Civil Law and
Procedure Departament of the National
Aviation University

FEATURES OF A CONTRACT FOR MUSIC CONCLUSION

Legal relations concerning the using of property rights are now equal to the relations of material production. Therefore, one of the urgent issues is the conclusion of contracts between subjects of relations for the using of music.

In the legal regulation of copyright contract, relations in any society are not just the most effective means of such regulation, but also the most common. In a market economy conditions it is the only legal instrument ordering property relations, taking into account the interests of the contract parties.

As a general rule, intellectual property rights belong to its creator or other entities that take part in creating music.

Today the issues about absence the terms in agreement are not regulated. Obviously, the contract cannot be concluded without those the conditions.

One of the most important conditions of copyright contract is a way of using of the product. The content of the intellectual property right to music is a complex of material and non-material rights. Disposal of property rights is based on the copyright contract. However, in the process of disposal of property rights some issues, including: the problem of proper protection of the rights of the parties of the agreement and compliance with the contract; not perfect the mechanism of payments for the using of music, the lack of standard contracts on disposal of property rights to music.

Ivan Kalaur,
Doctor of Juridical Sciences,
Head of the Department of Civil Law and
Process of the Faculty of Law,
Ternopil National Economic University

CONTRACT IN THE MECHANISM OF LEGAL REGULATION OF RELATIONS ON THE TRANSFER OF PROPERTY IN USE

The role of contract in the mechanism of legal regulation of relations on the transfer of property in use is investigated in the article. It is found that in modern legal regulation of relations dispositive approach to their organization dominates. Since, the contract in the mechanism of legal regulation of these relations performs not only the role of legal fact, which causes their emergence, change and termination, but is the main regulator of the above relationships. With the help of the contract the employee and the employer, making typical contract, may settle the questions of business relations which are not covered by acts of civil law. Two parts of the law relations may deviate from the dispositive provisions of civil law and regulate their relations at their own discretion. However, the law allows conclude agreements on the use of property that are not covered by the acts of civil law, provided that these contractual structures correspond to the general principles of civil law (making atypical contracts).

The paper defines the role and characteristics of standard and sample contracts on the transfer of property in use.

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The paper defines the role and characteristics of standard and sample contracts on the transfer of property in use.

Iryna Lukasevych-Krutnyk,
Candidate of Juridical Sciences (Ph.D.),
Associate professor at the Department of Civil Law and
Process of the Faculty of Law,
Ternopil National Economic University

USER CONTRACT OF STRANGER PLOT OF LAND FOR BUILDING

The article investigates the contractual relationship regarding the use of the stranger plot of land for building. It found that user contract of the stranger plot of land for building have not found their place in the system of agreements, determined by the Civil Code of Ukraine. It is mentioned as one of the grounds of superficies in civil law. Therefore, in the legal literature it called "superfit agreement".

In the article special attention is given to the clearing up the legal nature of the superfitsiy agreement through the comparative analysis of the contract and the closest in meaning civil contracts. In addition, the features of the subject composition of the agreement, the procedure and requirements of the forms are researched As well as the circle of the essential terms of the user contract of stranger plot of land for building, which proposed to include the subject along with the price and terms of use of this land, as well as other conditions for which at the request of at least one of the parties to reach an agreement. The rights and obligations of the parties of superfit agreement are considered.

The research of user contract of the stranger plot of land for building is based on analysis of the provisions of legal acts of Ukraine and theoretical research scientists, material litigation The proposal, aimed at improving national legislation in this area, are founded in this research.

Vitaliy Mykytyn,
Lecturer at the Department of Civil Law and
Process of the Faculty of Law,
Ternopil National Economic University

SOME SPECIAL FEATURES OF CIVIL PROTECTIVE METHOD OF INTELLECTUAL PROPERTY OF RIGHTS PROTECTION

Presented article focuses on the theoretical and legal research of civil legal methods to protect intellectual property rights. The author considers the concept and classification of civil legal methods to protect intellectual property rights. Analysis of judicial practice of civil legal methods to protect intellectual property rights. Peculiarities of moral damages for infringement of intellectual property rights are studied.

The author uses the inherent scientific research methods and obtains results that could create a basis for further development of problem-solving in the field of civil law, achieves disclosure of set in the research problems in amounts corresponding to research of this level. Civil-legal methods of protection of intellectual property mostly repeat universal methods of rights protection, foreseen in Civil Code of Ukraine, which include: 1) recognition of rights; 2) recognition of the deed as invalid; 3) termination of the act violating the law; 4) renewal the situation that existed before the violation; 5) enforcement of the obligation execution in kind; 6) legal relationships change; 7) termination of the legal relationship; 8) compensation and other means of compensation for property damage; 9) compensation for moral (non-property) damages; 10) recognition decisions, actions or omissions of state authority or local government, their officials and officers as unlawful.

Based on the conducted theoretical-legal study of the legal norms of applicable civil law on civil-legal methods of protection of intellectual property rights, it was concluded that general legislation of Ukraine provides authors and other rights holders rather powerful set of legal means not only to exercise their rights in terms of the normal development of social relations, but also for their effective protection in the event of a breach or challenge. Proper disposal of these legal possibilities largely a task most owners.

The author notes that the current Ukrainian civil law requires further scientific research of civil legal methods of intellectual property rights.

Lyudmyla Savanets,
Candidate of Juridical Sciences (Ph.D.),
Associate Professor at the Department of International Law and
the European Integration of the Faculty of Law,
Ternopil National Economic University

THE PLEDGE OF SECURITIES UNDER UKRAINIAN LAW AND LAWS OF FOREIGN COUNTRIES: COMPARATIVE ANALYSIS

The article investigates the issue of the pledge of securities under Ukrainian law and laws of foreign countries. The author focuses on sources of legal regulation of pledge of securities in Ukraine, Poland, USA and UK. The conception of pledge of securities institution in Ukrainian, Polish, English and American legal systems is analyzed. The comparative characteristic of the appear grounds of pledge of securities in Ukraine and foreign countries is realized. The peculiarities of certain types of pledge of securities are ascertained.

Comparative legal analysis which was conducted, leads to the conclusion that the regulation of pledge of securities, as a way of enforcement of obligations in national and foreign laws (Poland, USA, UK) has the differences and similarities. Common in these legal systems are understanding of the institution of pledge as a way of ensuring proper enforcement his obligations by debtor. In English, American and Ukrainian law subject of a pledge can be both things and rights. Differences concerning the pledge of securities in English, American, Polish and Ukrainian law appeared in the grounds of emergence of pledge, the features of clearance of the pledge's legal relations, the rights of pledgee concerning pledged securities. American's pledge institution is based on the concept of security interests, which is enshrined in § 9 of Uniform Commercial Code 1962.

The peculiarity of the legal nature of the securities, the difference in the mechanism of trade for certificated and uncertificated securities determine the necessity of improvement of legislation in Ukraine concerning pledge of securities as a way of enforcement of obligations, and represent one of the most important component parts of the general reform of civil law in Ukraine.

The existing in the current legislation of Ukraine and the dominating in civil law doctrine position of referring the securities to the category of things causes necessity to extension on pledge of securities the legal regime of pledge of things, though considering of the specific features of securities.

Considering that pledge of uncertificated securities requires the committing accounting operations on the pledgor securities account by depositary institutions, necessary is issued to predict in law next regulation: the pledge of uncertificated securities arises from the moment of conclusion of pledge agreement and fixation it by the depositary institution. Therefore it is necessary to amend in art.16 of the Law of Ukraine «On Pledge».

Valentyna Sloma,
Candidate of Juridical Sciences (Ph.D.), Docent,
Associate professor at the Department of Civil Law and Process,
Deputy Dean of the Faculty of Law,
Ternopil National Economic University

THE FRAMEWORK OF AGRIBUSINESS IN UKRAINE

An agricultural business is a special subsystem of economic relations prevailing in the agricultural sector of developed countries. It should be noted that an important role in providing an enabling environment plays state agribusiness policy in this area. The effectiveness of state-legal regulation of agriculture can be defined as the effective characterization of its actions which indicates the ability to deal with relevant social and legal problems.

The question of agribusiness' development is important in connection with Ukraine's accession to the WTO. Ukraine's WTO membership creates significant opportunities for Ukrainian producers, including facilitating access to global markets, expanding the range of consumer choice and facilitating an access to foreign technology.

Relations in the area of industrial and economic activity of agricultural enterprises are regulated by the Constitution of Ukraine, the Commercial Code of Ukraine, the Civil Code of Ukraine, the Land Code of Ukraine, laws of Ukraine, decrees of the President of Ukraine and the Cabinet of Ministers of Ukraine, regulatory legal acts of other public authorities and local governments as well as special regulations.

It should be noted that state agricultural policy should facilitate the development of agricultural market infrastructure and provide the following tasks: the formation of wholesale markets of agricultural products and inputs; the formation of legal framework for the introduction of futures trading and the upgrade of warehouse receipts for grain; the provision of online agri-trading houses in the form of marketing cooperatives.

Julia Trufanova
Lecturer at the department of Civil Law and
Process of the Faculty of Law
Ternopil National Economic University

PARTICULAR QUALITIES OF LEGAL CONSEQUENCES OF IMPROVING PROPERTY BY RENTER

The article delighted the peculiarities of the legal consequences of improvement of property by renter. Special attention is paid to resolving this issue in court.

The requirements for the forms of approval for performance of thing can be fixed in the contract or law. The particular interest are cases of improving the property as a result of which appeared a new thing.

Difficult question of separating the creation of new things in the way of improvement from related categories: increasing of its value, improving of useful features.

In carrying out the contract of employment the parties have certain rights and obligations associated with property that is transferred in hiring and the obligation to restore the property.

To distinguish improving of propetry from other property related categories can only be a result of forensic examination. A clear conclusion on the possibility or impossibility of creating new things in result of the reconstruction is absent in court practice. The question of creation of a thing is possible only with obliratory participation of experts.

So as the concept of "repair" and "improvement" are not interchangeable, then at the calculation of the proportion of employer as a result of creating new things while improving subject recruitment should take into account the cost of it made improvements, which led to the creation of new things without value of maded repairs and improvements wich have not led to the creation of new things. Separation of these costs also have to be undertaken during the forensic examination.

4. Criminal Law and Criminology;
The penal law;
Criminal Procedure and Criminalistics;
Forensic examination; Operational Activities;
Judiciary;
Prosecutors and advocacy

Nadiya Bereza,
Senior lecturer at the Department of Criminal Law
and Process of the Faculty of Law,
Ternopil National Economic University

FORENSIC PSYCHOLOGY AS A PART OF LEGAL PSYCHOLOGY

Our time is characterized by the significant development of psychological science. The role of scientific knowledge, studying patterns of the human psychics in the area of the law has just been growing. The proof of this is the particular interest to such field of psychology as legal psychology. Experience shows that in everyday life legal psychology often is identified with forensic psychology. This problem has formed a research goal to find a place in the system of forensic psychology in the system of the legal psychology. So the objective of the investigated problems is to analyze scientific and educational publications, which launched its solution.

History of psychological research in challenges of law enforcement has about a hundred years. It began with the problems of justice and the name "Forensic Psychology". This situation prevailed until the 70s, when science was officially registered as "Legal Psychology".

The name change was caused by the radical difference in the understanding that the psychological problems of the rule of law strengthening are not confined to the investigation of crimes. The real state of psychological research made the new approach unfolded in the police and went far beyond the traditional perspective.

There are four main relatively independent areas in the Legal psychology, based on the laws of nature studied by, legal, criminal, judicial and penitentiary psychology.

So summarizing everything described above, we concluded that forensic psychology is only the part of the system of legal psychology.

Natalia Naulik,
Candidate of Juridical Sciences (Ph.D.), Docent,
Deputy Director of the Institute of training specialists
with higher education and training of prosecutors,
National Academy of the public prosecutor's office in Ukraine

PROSECUTORS UKRAINE AS AN INSTITUTION OF THE SYSTEM OF PROTECTION OF HUMAN RIGHTS, THE INTERESTS OF SOCIETY AND THE STATE: HISTORY OF DEVELOPMENT

This article is devoted to the history of Ukraine prosecutor as protection institute of human rights. The democracy of any country is determined by its relation to the human rights and freedoms, interests of society and the state. Therefore, state is impossible without strengthening the public consciousness and social practice inalienable rights and freedoms of regulatory consolidation guarantees the mechanism of protection of human rights and prevent their violation to develop and strengthen democratic.

One of the elements is the institution of prosecution in Ukraine, the formation of which was influenced by socio-economic and political factors. After accession of Ukraine to the Council of Europe and pro determine the course of development, the task of reforming the prosecution Ukraine was appeared .

Ukraine had some obligatons to the Council of Europe. The prosecution reform led to the need for further improvement of Ukrainian legislation and the Verkhovna Rada of Ukraine at october 14, 2014 has adopted a new Law of Ukraine "About Prosecution". The role and place of supervision over the observance and application of laws in the prosecution was determined in it. Such supervision is carried out according to the new law only in the form of representation of the human rights and freedoms, interests of society and the state.

It should be noted that at all defined periods of Ukraine Prosecution its place and role in the protection of human rights and freedoms, interests of society and the state was determined with stage of development of the state, the existence of the state, form of government and available state regime in Ukraine.

Roman Oliynychuk,
Candidate of Juridical Sciences (Ph.D.), Docent,
Associate Professor at the Department of
Criminal Law and Process of the Faculty of Law,
Ternopil National Economic University

DIFFERENTIATION OF GROUP BREACH OF THE PUBLIC ORDER AND THE MASS DISTURBUNCES

The analysis of the current criminal law and scholarly views on the legal categories related to differentiation of group breach of the public order and the mass disturbances, as well as review of the history of the transformation of the concept of "mass disturbances" are the results of the research. The example of judicial practice on actions that led to group breach of the public order and substantial disruption of transport and organization is submitted.

According to the author's position the differences, which should be use for differentiation of group breach of the public order and the mass disturbances, are defined.

There was made a general conclusion concerning differences between crimes under Articles 293 and 294 of the Criminal Code of Ukraine, which are the following: 1) signs of the object (in additional compulsory subject, the subject, victim); 2) sign the objective side (in the character of the typical criminal acts, in the way of crime, in causal connection, in consequence, in the instruments of the crime); 3) construction of crimes (art. 293 Criminal Code of Ukraine – the material, and in Part 1 of Art. 294 of the Criminal Code of Ukraine – formal); 4) signs of subjective side (according to the art. 293 of the Criminal Code of Ukraine it is possible both direct and indirect intent, and in the Part 1 of Art. 294 of the Criminal Code of Ukraine – Intent, under the Part 2 of Art. 294 of the Criminal Code of Ukraine – as intent and negligence regarding the consequences).

Serhiy Banakh,
Candidate of Juridical Sciences (Ph.D.),
Associate professor at the Department of
Criminal Law and Process of the Faculty of Law,
Dean of the Faculty of Law,
Ternopil National Economic University

Andriy Sarahman
Junior Counselor of Justice,
Head of supervision of the observance of the laws of the Interior
during the conduct of operational activities
and international legal cooperation of management supervision
in criminal proceedings prosecution of Ternopil region

PLACE OF OPERATIONAL AND INVESTIGATIVE ACTIVITIES AFTER THE ENTRY INTO FORCE OF THE NEW CRIMINAL PROCEDURE CODE OF UKRAINE

This article is devoted to the problems of operational activities implementation in criminal proceedings.

Many scientists in different researchers determined the role of operational activities as one of the most important areas of law enforcement. However, with the entry into force of the Criminal Procedure Code, in our opinion, no longer a need for operational activities of the Soviet models as it is at this stage. The new Criminal Procedure Code of Ukraine absorbed the operational-search activities and operational-search case.

Comparative analysis of the Law "On operative-search activity" with similar regulations in foreign countries shows that domestic operational-search legislation does not take into account the real needs of the practice of operational units and does not fully ensure compliance human rights in it. In particular, the Law of Ukraine "On Operational Activities" does not define system search operations, organization and documentation each of them. The legal basis of participation in operational activities of persons with whom the confidential cooperation relationship is established does not defined too. Does not stipulated order of familiarization of citizens with the information that was collected against them during the conduct of operational activities.

In fact, in modern conditions operational-search case in most infest to "tick" because these measures are documented offender can be more effectively carried out in the criminal proceedings.

Nina Rohatynska,
Candidate of Juridical Sciences (Ph.D.), Docent,
Head of the Department of Criminal Law and
Process of the Faculty of Law,
Ternopil National Economic University

THE CRIMINAL PROCEEDING WHICH CONTAINS INFORMATION CONSTITUTING STATE AND BANK SECRECY

The article is devoted to indicate the gist and content of information constituting state and bank secrecy. It is analyzed the concept of "a state secrecy" and "a bank secrecy". It is investigated the features of the criminal proceeding which contains information constituting a state secrecy. Author defined the procedure and limits of disclosuring information containing a bank secrecy by banks and the order of withdrawal of objects and documents containing information constituting a bank secrecy.

The protection of the state and bank secrecy is one of the priority functions of all state institutions not only in Ukraine but also in other foreign countries. This issue is particularly relevant in terms of adoption t of he new criminal procedural legislation of Ukraine in which norms unlike in the Criminal Procedural Code of Ukraine 1960 was introduced a number of innovations.

The measures that are taken by the government to protect its secrecy should be adequate to the threats (both external and internal) that exist at the moment. The effective resolution of this issue is possible only with a comprehensive approach. Formation of the state secrecy's protection involves the introduction of a system of interacting legal and administrative regimes, functions which are aimed on the state secrecy protection. The introduction of appropriate modes provides a legal regulation of relations in this area and the creation of state bodies which activities are aimed on solving specific problems of the provision of these regimes.

Alexander Ostroglyad
Candidate of Juridical Sciences (Ph.D.), Docent,
Vice principal of scientific work
at Ivano-Frankivsk University of Law
named after King Danilo Galician

INSTITUTE OF CONVICTIONS IN UKRAINE LACKS LEGISLATIVE REGULATION

Research is devoted to the specific aspects of the use of criminal records in Ukraine. The jurisprudence is analyzed which is regarding to the use of criminal records, indicated some shortcomings of use of terminology that is associated with a criminal record. The contradiction of the provisions set out in the final legal acts and principles of criminal procedure of Ukraine is noted.

The aim of this article is to identify inconsistencies in the legal regulation of conviction in Ukraine and the development of practical recommendations for practice its use in criminal proceedings of Ukraine. Convictions - not just a statement of conviction for a crime, but also (and most importantly) the presence in this connection certain relationships between the state and the offender. Conviction of person is always specific. It is closely associated with a particular crime penalty for him and has real meaning.

The legal consequences which are arising from recognizing a person convicted, although provided for in the law, but the actual amount for each convicted person is different and depends on the type, severity of the crime, social status and so on.

Draft amendments to the Criminal Code of Ukraine are proposed:

1) c. 88 Criminal Code of Ukraine should complement ch. 5 as follows: "Redemption or removal of conviction cancels the legal consequences of conviction provided by this Code";
2) draw the attention of the courts to implement the Resolution of the Supreme Court of Ukraine "On the performance of the courts Ukraine laws and regulations of the Supreme Court of Ukraine for prosecution of criminal cases and decreeing a judgment" on filling data withdrawn or settled conviction to the introductory part of the sentence by giving explanations on this issue high specialized court for civil and criminal cases.

Further research in this area may relate to determine and improve other areas of practical application of criminal record in Ukraine.

SPECIAL GUEST

Dr. Agata B. Capik,
M.A.S. (European Integration),
Executive M.B.L.-HSG, Luxembourg

UKRAINIAN CONSTITUTIONAL ADJUDICATION FRAMEWORK VIA ASSOCIATION AGREEMENT TOWARDS THE EUROPEAN UNION

By signing the Association Agreement (AA) with the European Union (EU), the relations of Ukraine with the EU have changed in a significant way. They become obviously more complex, particularly from the legal point of view. It should thus not wonder that the traditional discussion considering the relation between EU legal order and domestic laws has obtained its new, 'Ukrainian', feature. The role of the courts – the Court of Justice of the European Union (CJEU) and the Ukrainian Constitutional Court (UCC) – will be crucial in shaping this feature towards an effective implementation of the said Agreement. However, the classical *dialogue des juges* is significantly curtailed under the AA. Whereas the competence to rule on the constitutionality of the binding legal norms belongs to the UCC, the competence to request the CJEU to give a ruling on the question of interpretation of an act of the EU institutions is given to the special arbitration tribunal. Having said this, the paper briefly addresses a relationship between EU and domestic law, as created by means of judicial dialogue between the national courts and the CJEU. In this context, a set of issues regarding a potential conversation between the UCC and the CJEU within the framework provided by the AA under EU law umbrella are highlighted.