1. HISTORY AND THEORY OF STATE AND LAW

History of political and legal doctrines,

Philosophy of law

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LEGISLATIVE SUPPORTING OF DECENTRALIZATION OF LOCAL SELF-GOVERNMENT IN UKRAINE (THEORETICAL AND LEGAL ASPECT)

The contemporary state of the normative-legal supporting of reforming local self-government in Ukraine under decentralization of power is analyzed.

The implementation of termsandconditionsof the European Charter of Local Self-Government led to the formation of a qualitatively new local self-government as a systemic social phenomenon. The conceptual foundations of the Charter were approved by Ukrainian Government in 2014.

It is necessary to create the right legislative framework for successful implementation of the decentralization of government reform. Concept of Local self-government and territorial organization of power reform in Ukraine was approved by Cabinet of Ukraine April 1, 2014 and became a prerequisite for Ukrainian implementation of decentralization of local self-government.

Implementation of the Concept was planned in two stages: preparative stage (2013-2015) and the stage of implementation (2015-2020 years). A large array of normative-legal acts in the sphere of realization of the Reform based on principles of decentralization was formed in the period from 2014 to 2017. In particular, these acts were tied into voluntary association of territorial communities, their cooperation, transfer of authority from the authorities of executive power to bodies of local self-

government, financial decentralization. It helped to strengthen functional and financial capacity of local self-government.

It is necessary to develop and to pass laws in the field of land relations, to make proposals on improvement of intergovernmental fiscal relations, local taxes and fees, administrative services, social standards in order to accelerate the reform process.

It is concluded that legislative provision of decentralization of local self- government corresponds to the European requirements and creates a solid foundation for the practical stage of the reform.

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ALTERNATIVE DISPUTE RESOLUTION: FORMATION OF THE CONCEPT

The forms of the Alternative Dispute Resolution (ADR) procedures were developed in the 1960 s in the United States. The ADR is based on conciliation of the parties rather than judgement. This is possible through ensuring of broad participation of the parties in the dispute resolution. The ADR has as its objective the replacement of the adjudication process by forms of arbitration, contract, mediation and conciliation. The goal is to reach a compromise. The basic division of the ADR is into the basic and the mixed (hybrid) forms. The basic ones include mediation, negotiations and arbitration. The hybrid forms include, for example, conciliation, fact finding, mini-trial. The ADR tools are successfully used for solving disputes in civil law, labour law, and administrative law and even in criminal cases. American agencies also apply ADR procedure called reg-neg to work out the content of legal regulations between officials and representatives of the parties concerned. ADR forms are also used in appeal proceedings. Despite unquestionable advantages of the ADR methods, there are critics who blame them for lowering the standard of the judiciary. There is no doubt that the application of ADR results in de-formalisation and simplification of the court proceedings and often in delegating the position of a negotiator or mediator to people without a legal background. However, this should not overshadow the greatest asset of the ADR, namely, the achievement of permanent agreements satisfactory for both parties.

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LEGAL STATUS OF MARRIED COUPLE IN ANCIENT ATHENIAN'S FAMILY

The article attempts to highlight the peculiarities of the legal status of married couple in a family of Ancient Athens. Authority, grounds for limiting rights and freedoms of wife in accordance with customary law and laws in Ancient Athens are revealed. The differences between her status and her husband's status are shown. Particular attention is paid to the issue of inheritance of a woman under the Ancient Athenian law. Characteristic feature of marital and family relations in Ancient Athens was their individualization, because in the Ancient world the family began to be regarded as a kind of union of free people, which is confirmed by a sufficiently developed system of family law, which supplemented the complex of ancient tribal customs and traditions still existing at that time. Analyzing the status of marriage in Ancient Athens from the legal point of view, it is worth emphasizing the lack of equality of husband and wife. The man actually dominated the woman in marriage, which was later actively perceived by Christianity and Western European tradition, which remained dominant in the world until the middle of the XIX century. Thinkers, legislators of Ancient Athens recognized the importance of the family, the importance of family relationships and their regulation, considered the family as the main institute of society, which served as a continuation of the genus.

The family as a fundamental institution of Ancient Greece was an extremely important element of the state, because it depended on the future of society. The family influenced the economic and religious-aesthetic development of the entire policy. Marriage in Athens was considered obligatory, but celibacy had no legal sanctions.

2. CONSTITUTIONAL LAW, ADMINISTRATIVE LAW AND PROCESS; FINANCE LAW; INFORMATION LAW, INTERNATIONAL LAW

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THE SUBJECT AND THE PARTICIPANT OF CORPORATE LEGAL RELATIONS: FEATURES OF THEIR LEGAL UNDERSTANDING AND INTERPRETATION

The necessity in clarifying the conceptual and terminological bases of corporate legislation arose with the emergence and development of corporate law. One of the directions of this is the study of terms "subject of corporate relations" and "participant in corporate relations", the identification of their common features and differences, which should contribute to the improvement of existing legislation in this area.

The article defines the characteristic features of the subject and the participant of corporate relations, and an attempt is made to determine which of the individuals and legal entities is the subject or participant in corporate relations. The author proposes to differentiate the definition of a participant and a subject of corporate legal relations, if the first term refers to all persons taking part in corporate relations, then the second ones concerns only those who have corporate rights. A special place in the research is given to the cooperative and its place in corporate relations is clarified.

At the end of the article, there are a number of conclusions and proposals aimed at improving corporate legislation, which can be the basis for further scientific research.

In particular, the subject of corporate relations among legal entities are economic partnerships, created by two or more persons, production cooperatives, other commercial enterprises, the statutory fund of which is divided into parts or combination of enterprises. The subjects of corporate relations among physical persons are the founders of the corporate enterprise and other persons, who became the owners of corporate rights during its activities.

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PROFESSOR ZAGOROVSKY'S(THE SECOND HALF OF XIX C.) ELABORATION OF ISSUES OF CONTRACTUAL RIGHTS IN KYIV RUS

The article refers to the masterpiece by the legist professor's Zagurovsky's O.I. who worked at Kyiv, Kharkiv and Odessa (Novorossian) Universities and made a great contribution to the research of the law in Kyiv Rus. A lot of attention is drawn to his scientific views on contractual right in Old Russian society, especially its subjects, kinds of contracts and reasons of origin. The article is mainly focused on his work "Historical Outline of Loan According to the Russian Law till the End of XIII c."(1875), analyzing that from historical-juridical angle. Zagurovsky refers to the importance of property relations in the history of human society. He emphasizes the fact, that development of property relations is dependent on economic progress. The loan agreement of those times, as Zagurovsky denotes, involved the following essential elements: definite people, a definite subject as well as an agreement formed clearly by both sides and one less important point – the reward or benefits a loaner was to get. The privileges of some layers of society never affected their civil rights. A prince's man, just like an ordinary citizen was eligible and for not fulfilling an agreement could lose not only his status but also his freedom. Only the Prinnce (Knyaz) had some real privileges. His property was evaluated higher than ordinary people's property and his debts were collected earlier than other loaners' ones. The will that was expressed freely as for the conditions of the loan was an essential point, as the researcher emphasized. Rus'ka Pravda denied the juridical importance of the loan that was compiled by force. Therefore, freely expressed will had to be expressed

in a definite way. That corresponded those times' juridical process and was carried out orally, but with the participation of the community.

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SETTLEMENT AGREEMENTS IN APPEALING, CASSATION PROCEEDINGS IN COMMERCIAL PROCESS AND AT THE STAGE OF EXECUTION OF JUDICIAL DECISIONS

In connection with the total updating of procedural legislation, in particular, commercial, today the scientific research of certain procedural institutes has been much actualized. The settlement agreement is a kind of conciliation procedures, which are especially important for the settlement of conflicts between business entities and the preservation of business ties.

The object of the investigation was the procedural legal relationship regarding the conclusion and approval of the settlement agreement in the appeal, cassation proceedings, as well as in the stage of execution of court decisions.

The article discloses the circumstances and grounds for the recognition of a court decision as ineffective. After all, such a practice is possible only in case of conclusion of a settlement agreement at the stages of review of court decisions in the second or third instance.

During the research, it became clear that there is an uncoordinated procedure for the conclusion and approval of settlement agreements in the enforcement proceedings. In general, the collector should be well thought out, whether is there a reason to «put up» with the debtor already during the execution of the court decision.

At the same time, it should be emphasized that the legislator chose a completely new approach to the settlement agreement, allowing its parties to determine the reciprocal concessions to go beyond the subject of the dispute. However, the court of appeals reviews the case within the framework of the arguments and the requirements of the appeal, in which the complainant must not go beyond the limits of claims or counterclaims. The court of cassation does not accept or consider claims that were

not subject to consideration by the court of first instance. Thus, it remains unclear whether settlement agreement in the audit authorities can foresee mutual actions outside the subject matter of the dispute.

We believe that this topic is extremely relevant and interesting and should be the subject of many scientific studies.

3. CIVIL LAW AND CIVIL PROCESS; FAMILY LAW; INTERNATIONAL PRIVATE LAW; COMMERCIAL LAW; COMMERCIAL - PROCEDURAL LAW

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PECULIARITIES OF STATE ADMINISTRATION USING AGRICULTURAL LAND IN UKRAINE

Agricultural land is a unique natural resource, the basis of the economic development of the state and the material well-being of the people of Ukraine. The current land legislation is based on the priority of agricultural land development. Thus, today agricultural land is the main category of the land fund of Ukraine. Unlike other categories of land, which are mainly used as an operational base space, agricultural land used as a primary means of food, feed and raw materials for various industries. This is the main feature of this category of land for which established a special legal regime, characterized by the use of agricultural land, which ensured the protection of land, improve soil fertility.

During the years of reforms worsened measures to increase soil fertility and land conservation, rural infrastructure is in poor condition. The agrarian reform led to the emergence of gaps in the use and possession of land: far-reaching, through the moon, wedging, interspersing, poorly establishing borders, which led to degradation and land degradation. The solution to such a problem may be the conservation of land, which involves the cessation of the economic use of such lands by their inoculation or afforestation.

One of the key areas for the formation of the national program of economic development of the country is the development and implementation of the ideology of the state land policy, which provides an increase in the efficiency of land management, rational use of land. The tasks of land protection are to ensure the

conservation and reproduction of land resources, the ecological value of natural and acquired land qualities.

Implementation of ecological requirements in land relations allows to ensure the application of environmental technologies of production, implementation of complex measures for the protection of land from negative natural and anthropogenic processes, such as erosion, salinization, waterlogging, placement, construction, operation of objects that negatively affect the state of land.

Therefore, we conclude that there is a need to improve the legislative framework for the use of agricultural land, the development of state measures for the protection of agricultural land, the introduction of an economic mechanism to stimulate soil fertility.

4. CRIMINAL LAW AND CRIMINOLOGY;

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THE REPRESENTATION OF A LEGAL ENTITY BY ITS HEAD IN CRIMINAL PROCEEDINGS IN THE ASPECT OF THE INTRODUCTION OF ADVOCACY MONOPOLY

The article analyzes the theoretical and practical aspects of the representation of a legal entity by its head and other person authorized by the founding documents or by law in criminal proceedings in the context of amending the Constitution of Ukraine regarding the representation of another person in court exclusively by advocates.

In 2016, the advocacy monopoly (representation in courts solely by advocates) was introduced in Ukraine by the Law of Ukraine «On Amendments to the Constitution of Ukraine (on Justice) ». However, The Criminal Procedure Code of Ukraine provides that a representative of a legal entity which participates in a criminal proceeding may be is its head or another person authorized by law or constituent documents, an employee of the legal entity by power of attorney, and also a person who has the right to be a defense counsel in criminal proceedings – advocate. In civil, economic and administrative proceedings, there is a certain coordination of the provisions about participation of legal entities in courts through its head or a member of the executive body authorized to act on its behalf in accordance with the law or statute. Such participation of the head of a legal entity in the court is defined as «self-representation of a legal entity».

Instead, in a criminal proceeding, there is no provision about self-representation of a legal entity. Due to this fact, there are some practical and theoretical questions regarding to possibility of participation of legal entity’s head in criminal proceedings.

The author also proposed ways to improve the criminal procedural legislation on the participation of a legal entity's head in criminal proceedings.

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MODERN SYSTEM OF STATE FORENSIC INSTITUTIONS IN UKRAINE. SOME DIRECTIONS OF IMPROVEMENT OF THEIR ACTIVITY.

Today, the process of reforming the law-enforcement system is actively under way. At the same time, the system of forensic institutions of Ukraine is changing.

The leading experts in the field of forensic science and forensic expertise were given considerable attention to the problems of improving judicial and expert activity. In view of their research, the author considers it expedient to analyze the current state of the system of forensic institutions in Ukraine and make suggestions as to the possibility of improving their activities.

The purpose of the article is to investigate the current state of the system of forensic expert institutions in Ukraine and the possibilities for its improvement, in order to increase the efficiency of judicial expert activity.

The system of forensic institutions in Ukraine is defined in art. 7 of the Law of Ukraine "On Forensic Examination", adopted on February 25, 1994, No. 4038-XII, as amended on September 9, 2004 No. 1992-IV (hereinafter referred to as the Law).

As stated in the Law, the system has a departmental division. Such institutions operate in the systems of the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Health, the Ministry of Defense, the Security Service and the State Border Guard Service of Ukraine.

The legal basis for the activity of forensic expert institutions is the Constitution of Ukraine, the legislative acts of various branches of law, the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine, the Civil Procedural Code of Ukraine, the Code of Administrative Justice of Ukraine, the Commercial Procedural

Code of Ukraine, the Law of Ukraine "On Forensic Expertise" departmental orders, instructions and international treaties in the field of forensic expert activity.

As a result of the analysis it was established that in the system of forensic expert institutions of Ukraine, new classes, families and types of forensic examinations appear, modern methods and methods of expert research are implemented. In the expert institutions of the Ministry of Justice and the Ministry of Internal Affairs of Ukraine there is a process of accreditation of laboratories according to the international standard ISO 17025. Recently, in their structure, there were such divisions as: organization of scientific and international activities, certification and accreditation of laboratories, labor protection, and others.

The very concept of forensic expert activity is changing, which is often identified with the conduct of expert examinations. However, this concept is much wider, and therefore the Law of Ukraine "On Forensic Expertise", as rightly noted by N.I. Klymenko, it would be advisable to call the Law of Ukraine "On Forensic-Expert Activity".

The author fully shares the opinion of the famous Ukrainian scholar and believes that this Law will require some changes and additions, as well as separate articles of the CPC of Ukraine, in particular:

- consideration should be given to the possibility of extending the procedural rights of the suspect, the accused, the defender at the appointment and conduct of forensic examination, which will enable to more fully implement the principle of competition in the criminal process;

-considering the important role of the head of the expert institution, it is necessary to supplement the CPC of Ukraine with an article on his powers that would regulate his right to examine the materials of the examination, to control the timeliness and quality of its conduct, to check the progress of the research, to provide instructions on the use of the necessary methodology, to participate in the process of conducting research;

It is appropriate to foresee in the CPC of Ukraine the possibility of using in the criminal process of Ukraine the conclusions of the examinations conducted by foreign experts who have the necessary knowledge and qualifications on the issues under investigation.

Also, it is advisable to consider the issue of setting up, on the basis of the leading Ukrainian higher education institutions, the training of students in the field of "judicial expertise" in various areas and specializations.

Forensic institutions in Ukraine are a dynamic system, which, depending on the requirements of society and the needs of the bodies of pre-trial investigation and court, is constantly evolving and improving, ensuring the rule of law and constitutional rights and freedoms of man.

The need for amendments to legislative acts is due to the need to strengthen state and public control over the activities of judicial and expert institutions, encouraging experts to integrity, improve their qualifications, and adherence to established methods in conducting forensic examinations.

These remarks and suggestions will allow to more effectively direct the practical activity of forensic institutions in Ukraine in order to improve the quality of forensic examinations, as well as to improve all forensic expert activity.

The article focuses only on certain aspects of the improvement of forensic expert activity. The presented problems remain relevant and require further research taking into account the practical experience of scientists and experts in the field of forensic examination.