1. HISTORY AND THEORY OF STATE AND LAW. HISTORY OF POLITICAL AND LEGAL DOCTRINES. PHILOSOPHY OF LAW

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INCIPIENCE AND D EVOLUTION OF THE JUDICIARY SYSTEM THE SECOND COMMONWEALTH OF POLAND (1918-1939s)

The article reveals the characteristic features of the formation and development of the judicial system in the Second Commonwealth of Poland (1918-1939s). The restored Polish state on November 11, 1918 from the first days of its existence, began activities aimed the formation of borders, authorities, troops, law enforcement institutions, including judicial. It was shown that the formation and development of the judicial system of the Second Commonwealth of Poland occurred in two stages. The first stage (1918-1928s) was characterized by the functioning of various (Russian, Austrian and German) judicial systems, their adaptation to new socio-political conditions and the growth of deformations caused by violations of the democratic principles of the March constitution of 1921. The second stage (1928-1939s) - creation of a unified system of general courts and their change in the direction of anti-democratic principles. The achievements of the judicial reform of 1928 were the creation of a unified system of general courts, although the organizational and structural principles of all parts of general courts were not clearly agreed upon, and their competence was not fully defined. The reform of the judicial system was characterized by a tendency to curtail the independence of the courts, which did not guarantee the realization of objective and fair justice.

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THEORETICAL FOUNDATIONS OF THE LAW RESEARCHING IN THE STRUCTURE OF LEGAL REALITY

The article is devoted to theoretical analysis of the problem conceptualization of the law as a philosophical and legal category in the structure of legal reality; differentiation of the concepts of "law" and "legal reality" into scientific discourse; the study of the genesis of the idea of structuring the law in the philosophy of law, the theory of law and related sciences.

Appeal to the legal reality passes through the prism of the main trends of methodological studies of modern philosophy of law. In particular, the problem of understanding the phenomenon of legal reality as the basis of deontological genesis of modern society has been accentuated and the answer to the question of how legal laws correspond to the universal laws of being has been searched.

The concept of "legal reality" is considered in two senses: broad and narrow. In broad terms, it refers to a set of legal phenomena: legal norms, legal institutions, legal relations, legal concepts, etc. In the narrow one - legal norms (normativeism), legal relations (sociological jurisprudence), or legal experiences and emotions (psychological school of law).

Theoretical statements of the article have been based on scientific researches of the problem. In particular, the genesis of the idea of legal reality and the place of the law in it have been traced on the basis of the theoretical generalizations of M. Andrianov, M. Arabadzhy, A. Balinska, M. Biletskyi, R. Bojniiazov, V. Vovk, A. Gadzhiiev, T. Garasimiv, and others.

As a result of conducted research the article reveals the specifics and the ambiguity of the question of the legal reality and the ontological structure of law;

scientific and reasonable analysis of the impact of legal reality on formation of legal behaviour and social regulation of social relations within the legal reality of society have been carried out.

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CATEGORY "LEGAL POLICY" (THEORETICAL AND LEGAL ANALYSIS)

In the modern political and legal environment the term «legal policy» is enough widespread and it is met in the context of normatively legal acts and in the scientific legal literature. However the phenomenon «legal policy» does not have until now neither normative nor doctrine determination. The basic reason is seen in that the Ukrainian legal science does not take the proper role in the process of making of national legal policy. The question of official introduction of new category «legal policy» to the system of science of theory of the state and law acquires the special actuality today in connection with the necessity of development of conception of public legal policy, quality and efficiency of which depend on its due scientific substantiation.

Legal policy came into existence as an independent direction of research of law in jurisprudence in the second half of the XIX century («politics of law») and had by its task the critical evaluation of the current legislation and development of the ideas on the improvement of existent mechanism of legal regulation.

Any determination of legal policy must not dissent with the general conception of politics and law in their traditional understanding. Consequently, a public policy, in order to be legitimate, must acquire a legal form, and a law, in order to be effective, must be provided by a state compulsion. On the whole the legal policy can be defined, on author's opinion, as an aggregate of strategic character ideas which are produced by public authorities and organs of local self-government with participation of institutes of civil society and are embodied in the concrete programs of development of legal life of the society and the state.

Thus, the improvement and further development of the legal system of Ukraine, which develops today under the impact of globalization processes, needs legitimate, scientifically substantiated conception of legal policy of the state that would help correctly to define the aims and means of transformation of legal life of society. The development of category “legal policy” is the direct task of domestic legal science.

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TO PHILOSOPHICAL AND LEGAL ANALYSIS THE CONCEPT OF TOLERANCE

In the modern world, the issues of interethnic and interpersonal relations are of paramount importance, which often lead not to the dialogue of cultures, but to the threat of conflict situations. Accordingly, there is a need to find a tool that will be compromise - it is a philosophical and legal concept of tolerance.

The concept of tolerance was developed in the XVI century, when it was used in the Edict of Nantes (1598). Among the more recent developments, attention is drawn to the study of P. Nicholson (Tolerance as a Moral Ideal), M. Walker, who investigated concepts and historical regimes of tolerance in the work "On Tolerance" and a number of domestic scholars.

The article provides an analysis of the concept of tolerance and its combination with the main ideas of the doctrine of liberalism, in particular with the concepts of freedom, common good, equality, peace and property. The "classical" understanding of liberal tolerance is given, according to which tolerance is a way of treating the "Other", within which the peculiarities of private life are taken indifferently, while actual tolerance becomes a public ideal and a direction towards the progress of society.

The "theory of communicative action" by Y. Habermas is analyzed, within which the law is defined as an integral part of social interaction, and tolerance arises from the actual recognition of the rights of others by other citizens.

The importance of the semantic analysis of the notion of tolerance is emphasized and detailed: examples of P.Nickson ("Tolerance as a moral ideal") and their correlations with similar concepts and their understanding in the Ukrainian-

speaking society; philosophical and legal concepts of the concept of tolerance on the basis of the works of V. Lectorovsky, M. Khomyakov and others; The normative-legal consolidation of the notion of tolerance in international acts and in Ukrainian legislation is analyzed.

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

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REGULATION OF CAR CARRIERS' ACTIVITIES TAKING INTO ACCOUNT THE REQUIREMENTS OF EUROPEAN STANDARDS

The article deals with issues related to the operation and operation of automobile carriers in Ukraine and points to the need to bring existing legislation in line with the European one. The current state of legal regulation of this stratum of relations in society is analyzed. The proposal to improve the quality of organization and operation of automobile carriers with the promotion of the European level of quality of work is proposed.

It is noted that the introduction of the above changes (which are certainly not exhaustive) to the current legislation will lead to the next step towards improving the legislative regulation of the market of motor transport services in Ukraine, meeting the needs of the society and the economy in the transportation of passengers and cargo, safety of transportation, efficient consumption of resources and reducing the technogenic impact of motor vehicles by adapting the norms of Ukrainian legislation to the norms of the EU acts in accordance with the EU-Ukraine Association Agreement.

Summarizing the above, we can conclude that Ukraine is continuing to come closer to European standards and for this purpose it is necessary to make adjustments to existing legislation, in particular, to the Law of Ukraine "On Road Transport" at the local level.

In such a law, it is also necessary to further specify, in addition to the above, which specific information will be entered on the car carrier in the State Register of Car Carriers, the procedure for keeping this register, the basis for making (correction)

of information by road carrier. In addition, it is necessary to determine the features of control over compliance with licensing requirements, the classification of services for the carriage of passengers on public bus routes to publicly important passenger transportation services.

Taking into account the above, it is believed that the above steps will lead Ukraine to a qualitatively new level of transport services by automobile carriers according to European standards, destroy the sector of illegal passenger traffic, lead to an adequate level of quality and safety of transportation, social protection of personnel, etc.

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LOCATION AND THE ROLE OF THE SYSTEM OF LAW IN THE NATIONAL LEGAL SYSTEM

The article is devoted to the problems of determining the theoretical and methodological aspects of determining the place and role of the legal system in the national legal system as a general theoretical and practical-applied category, which is considered as the fundamental basis for the development and adoption of high-quality and effective legal acts by the relevant competent subjects of constitutional law-making.

It has been established that existing research does not solve the problem of finding fundamentally new approaches to the definition of a comprehensive social and legal model of the effectiveness of constitutional and legal norms, including - taking into account the integration factor, which significantly influences the overall efficiency and effectiveness of the functioning of the national legal systems of European states, especially in view of the intensification of the process of implementing constitutional reform in Ukrainian society at the latest stage of its progressive development and development.

It is noted that each legal doctrine has a separate method of justification, methodology of cognition of law, program requirements, and therefore different methodological approaches can not be mechanically reduced to a single, universal and unambiguous interpretation of the right, the right to understand and the appropriate ways to ensure effective actions of legal norms and ensuring their proper influence on the state of social relations. It is in understanding this fundamental pluralistic idea that the plurality of scientific doctrines of the effectiveness of

constitutional and legal norms is based, which reflects the diversity of legal views in different societies.

The author analyzes the most important methodological approaches to the content of the category "effectiveness of constitutional law norms" in the current conditions of social and legal development. The methodological peculiarities of European constitutionalism and the interpretation of an effective constitutional law norm in the dialectical relationship with the modernization of other structural elements of the legal system of a developed society, which is considered as the fundamental basis for the development and adoption of qualitative and effective normative legal acts by the relevant competent bodies of constitutional law-making.

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THE SYSTEM OF ADMINISTRATIVE LEGAL BACKER-UPS OF RIGHTS AND FREEDOMS OF PERSONS IS WITH DISABILITY IN THE FIELD OF LABOR ACTIVITY

The types of administrative legal backer-ups of rights and freedoms of persons are analysed with disability in the field of labour activity. Drawn conclusion, that in our state repressing amount of the indicated category of people does not have permanent employment, that predefined ineffectiveness of separate from the indicated legal facilities, concrete legislative changes are offered in relation to the improvement of this situation.

Drawn conclusion, that further legislative development on questions creation of the proper terms of realization of labour activity must embrace all fixed administrative legal assets of providing employments of persons, that it follows to divide into three groups. The first group embraces totality of administrative legal facilities, that provide primary employment of persons with disability due to creation of the special workplaces, observance of the set norms of workplaces, employers and other.

The second group determines totality of administrative legal facilities that provide secondary employment of persons with disability due to registration as an unemployed person in Government service of employment with the further seeking out of work on the special parliamentary procedure. The third group touches totality of administrative legal facilities that provide employment of persons with disability on results realization of control (observant) plenary powers of organs of public administration.

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ADMINISTRATIVE AND LEGAL STATUS OF THE GOVERNMENT BODIES GOVERNING THE MONITORING OF LABOR LEGISLATION

Employer is obligated to create work conditions at each working place and in each subdivision in accordance with statutory regulations and guidelines and is obligated to ensure compliance with statutory requirements on employees' rights in labor protection aspects.

For this purpose employers shall have labor management system in place, and specifically:

employers shall establish appropriate departments and appoint officers to resolve specific labor protection –related issues, shall approve their appropriate job descriptions with indication of their job responsibilities, rights and liability for failure to perform their job functions vested on them, and shall see for such job descriptions be complied with;

employers shall design integrated actions with participation of the parties to the collective agreement and shall carry such actions into effect to achieve the performance/compliance to applicable standards and to increase the existing level of labor protection;

shall arrange for performing the necessary preventive measures in accordance with changed circumstances;

shall implement advanced technologies, achievements of science and technology, mechanized methods of production and automation of production, ergonomics requirements, best practice in labor protection, etc.;

shall arrange for proper maintenance of buildings and structures, production and process equipment, for their technological condition be monitored;

shall arrange for elimination of causes of accidents, occupational diseases, and for preventive actions be performed as instructed by investigative commissions on the basis of the findings of such causes investigations;

shall arrange for audit of labor protection, laboratory analysis of working conditions, appraisal of technical condition of industrial equipment, certification of workplaces for conformity with statutory labor protection regulations and guidelines in the manner and by deadlines established by laws, and on the basis of their findings shall take up measures to eliminate dangerous and harmful industrial factors;

shall design and approve guidelines, instructions other labor protection regulations applicable within the enterprise (hereinafter referred to as the "in-house regulations of the enterprise") and stating rules for performing works and rules for behavior of personnel on the enterprise areas, premises, construction sites, workplaces in accordance with laws and regulations governing labor protection, shall furnish workers at no cost with labor protection regulations and guidelines and with in-house labor protection regulations of the enterprise;

shall oversee the personnel compliance with engineering processes, rules of handling plant, mechanisms, equipment and other production facilities, use of collective and individual protection means, execution of works in accordance with statutory labor protection requirements;

shall arrange for safe labor techniques and cooperation with personnel in the field of labor protection;

shall take urgent measures to provide aid to persons suffered, shall engage, if so required, professional rescue teams in the event of failures and accidents occurring at the enterprise.

However direct responsibility - disciplinary, administrative, financial, criminal according to the law - for violations of that to ensure safe working conditions of employees with heads of enterprises no was shooting!

Therefore, heads of enterprises have problems with inspectors for supervision of labor.

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INSTRUMENTAL POSSIBILITY OF RECOGNITION RELIABILITY OF INFORMATION: HISTORICAL OVERVIEW

This article gives an overview of important historical facts and peculiarities of the verification of lies that were characteristic of different peoples at different times, from ancient times to our time. The historical aspects of recognition of information authenticity by means of instrumental methods and, in particular, psychodiagnostic methods using a polygraph are considered.

Different peoples in different historical epochs tried to use surveillance to detect lies. Historical examples relate to the psycho-physiological paradigm of identifying internal "hidden processes", aimed at concealing or substituting true, truthful information.

The article describes special tricks and rituals for defining deception and detection of a liar, which, as is known from history, have been produced by different peoples. Already in ancient times, people noticed that fear of disclosure and, accordingly, punishment is accompanied by certain changes (accessible to the external observer) of the dynamics of some physiological functions. It is analyzed that a person who committed a crime because of fear of possible exposure has undergone various changes in physiological functions, which has become the cause of scientific research in this field and eventually contributed to the invention of instrumental methods for detecting hidden information. One of these methods of detecting hidden information is a method of psychophysiological research (survey) using a polygraph.

It was investigated that from the moment of its occurrence the method has undergone significant changes: the number of registered parameters has increased, analogue devices have been replaced by computer polygraphs, a number of

standardized and valid test methods have been developed, the optimal or close to optimal rules of calculation and interpretation of the obtained results have been established empirically.

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SYSTEM AND PLENARY POWERS OF SUBJECTS OF ADMINISTRATIVE LEGAL PROVIDING OF GRANT OF EDUCATIONAL SERVICES BY ESTABLISHMENTS OF HIGHER EDUCATION

In the article plenary powers of subjects of imperious plenary powers are considered in the field of the administrative legal providing of activity of establishments of higher education. A home legislation on questions education, that touches functioning of Cabinet of Ministers of Ukraine and other central executive bodies, is analysed. The system of subjects of the administrative legal providing of activity of establishments of higher education is offered.

The analysis of home legislation in the field of realization of educational activity allows to form next system of subjects of the providing of activity of establishments of higher education : central link - the legal adjusting of base directions of activity of subjects of grant of educational services carries out administrative; leading link - administrative a legal method regulates most directions of educational activity and educational process; inculcates the system of estimation of quality of education; control link - carries out the inspection of establishments of education with the aim of exposure of violations of legislation on questions education, state standards and licensed terms of realization of educational activity; the specialized link is Department of defense of Ukraine, Ministry of culture of Ukraine and Ministry of young people and sport of Ukraine, that by means of totality of corresponding facilities create the proper soil of activity of the specialized establishments of education military.

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FORMATION OF THE LEGAL CATEGORY "SUBJECT OF PUBLIC ADMINISTRATION"

The implementation of a human-centered approach in the activities of public administration bodies through the prism of administrative reform is considered in the article. It is emphasized that for the implementation of administrative and legal reform it is necessary to provide for the consistent implementation of both national laws and requirements of international legal acts.

The purpose, tasks and expected results of administrative reform in the branch of providing the public administration activity are analyzed. It is noted that the purpose of the administrative reform in Ukraine is a creating of system of public administration at all levels, which should be under the control of citizens, transparent, constructed on scientific principles and effective.

It is noted that, along with the European integration processes taking place in the state, an important place is assigned to the formation and enshrining definition of "public administration". The attention is being given to the necessity of a determining of the time-formed legal category "public administration authorities", which has become widespread within the reference literature and numerous scientific works.

It is highlighted the fact that the formation of sustainable scientific and legislative thought in Ukraine as to the essence of this legal category is relatively new and current process to date. However, these aspirations are limited to copying the administrative-legal categories that are used in individual countries of the world, with further implementation in domestic law, but it requires a broad rethinking and

clarification of the basic mechanisms for their implementation and the appropriate application by the legislator.

The author emphasize, in general, the subjects of public administration (public authority) are a set of national, regional and local bodies of state power, bodies of local self-government, their officials and officers, as well as other administrative and civil institutions, which authorized to perform public functions.

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ADMINISTRATIVE AND LEGAL BASIS FOR THE ACTIVITY OF PSYCHOLOGICAL SERVICE OF MODERN UNIVERSITY

The article deals with the administrative and legal foundations, principles and norms of the activity of psychological service of university. The extremely important place and constructive role of this structural unit in the educational space of modern institution of higher education is argued, which provides conditions conducive to the professional development and personal growth of students, their psychological security, support and strengthening of psychological and spiritual health, the creation of a favorable social and psychological climate for realization of educational activity and personal self-organization of the participants of educational process. The main periods of the psychological service formation in both foreign and domestic educational practice are outlined, in particular, little-known facts of pilot versions of its intellectual-applied development are given, and the most promising approaches-directions of innovative enrichment of its sustainable institutional development are highlighted. Accordingly, the normative base that regulated activities of the Psychological Service of Ukraine at various stages of its functioning was analyzed, as well as the changes and additions made at the legislative level that were introduced to it in the recent years. Thus, from administrative and legal positions, the purpose, tasks, main directions of psychologists' positions, who work in the mentioned

organization structure, as well as their official rights and responsibilities, are detailed. The main aspects of the recently proposed project "Regulations on the psychological service in the education system of Ukraine" are considered, which reflect the changes that are responses to the main provisions of the new law "On Education", the priorities of which to create conditions for personal development of future professionals. It is noted that at the same time, the national psychological service is an integral part of the successful functioning of modern institution of higher education as a scientific and educational institution of innovative direction, which responds in time to the challenges, which are dictated by the modern social, economic, cultural and political situation in our country.

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THE RIGHT TO RESPECT FOR FAMILY LIFE: PROBLEMS OF APPLYING THE PRACTICE OF THE ECHR IN CASES OF FORCIBLE RETURN AND COMPULSORY DEPORTATION FROM UKRAINE

The article focuses on the fact that while making a decision on forcible return or deportation of foreigners and stateless persons from abroad, there is often an unlawful restriction on the part of state authorities of the right to respect for family life.

It was stated that in resolving the issue of forcible return (bodies authorized to make a decision on refoulement back to Ukraine) and forcible deportation from Ukraine (the court), only the presence of the fact of a violation by a foreigner or a person without citizenship of the migration law is taken into account (Article 203 Code of Ukraine on Administrative Offence "Violation by foreigners and stateless persons of the rules of stay in Ukraine and transit through the territory of Ukraine"), as well as the fact of their evasion from leaving Ukraine after the expiration of the permissible term of a stay. Unfortunately, such circumstances as the fact of being in a civil or officially registered marriage with a foreign person legally residing in Ukraine or with a person who has Ukrainian citizenship remain unnoticed; the property status of a person on whom the issue of forcible return (forcible expulsion) or its spouses is decided; the presence of a child born on the territory of Ukraine; the absence of data on any actions of the aforementioned person that would be contrary to the interests of Ukraine's security or the protection of public order, health and the protection of the rights and interests of citizens of Ukraine; the need to adhere to a decision (enactment) of proportionality, that is, the observance of the necessary

balance between the adverse consequences for the rights, freedoms and interests of the individual and the goals to which this decision (enactment) is directed.

It is noted that the decision on forcible return or forcible deportation from Ukraine is based only on the provisions of migration law, a significant part of which does not correspond to the "spirit of law". Rarely the law enforcement act refers to constitutional norms, the rules of family or international law. Not so often in this category of cases the Ukrainian courts apply the practice of the European Court of Human Rights.

It has been carried out the analysis of such ECHR's decisions as "Kaplan and others v. Norway" (No. 32504/11 of July 24, 2014), "Meemi v. France" (No. 85/1996/704/896 of September 26, 1997), "Mustache v. Belgium "(No. 12313/86 of 18 February 1991)," Berrehab v. the Netherlands "(No. 10730/84 of June 21, 1988). They emphasize the fact that migration authorities and courts in resolving the issue of forcible return and forcible deportation from Ukraine should adhere to the principle of proportionality: in pursuit of the goal of implementing migration policy in the fight against legal immigration, make decisions that in practice the rights of foreigners and stateless persons will not be violated, as well as constitutional, family, international rights arising from family, childhood, maternity and fatherhood relationships.

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

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A RIGHT FOR CITIZENS ON A HEALTH PROTECTION

One of the most pressing problems of our time is the problem of human rights. This issue is devoted to a significant number of articles in the constitutions of the vast majority of countries in the world. Already one of the first articles of the Constitution of Ukraine proclaims that man, his life and health, inviolability and security are recognized in Ukraine as the highest social value, and human rights and freedoms and their guarantees determine the content and orientation of the state.

A citizen can exercise a personal right to health by applying to a clinic, a hospital, a dispensary. Having entered into a legal relationship with a medical institution, a citizen realizes a personal non-property right to qualified medical aid, the choice of a doctor of a certain narrow profile, information about his state of health, consultations of various doctors specializing in filling the specific content of the right to health and defining its specific boundaries. in a particular case.

The content of the right of citizens to health is also determined by Art. 6 Fundamentals of Ukrainian Health Law. This right provides for a standard of living, including food, clothing, housing, medical care and social services and maintenance

that is necessary to support human health; life-threatening and health-friendly environment.

Art. 10 Fundamentals establishes the duties of citizens in the field of health care, in particular: 1. To take care of their health and health of children, and not to harm the health of other citizens. 2. In the cases provided for by law, undergo prophylactic medical examinations and vaccinations. 3. To provide urgent help to other citizens who are in a state of threatening to life and health, etc.

It is also important to emphasize that among the personal non-proprietary rights that ensure the natural existence of an individual, the Civil Code of Ukraine calls the right of every individual to health. The general issue of health rights is also addressed in articles 283-287; 290 of the Civil Code. In addition, certain rules that are directly related to this right are also posted in other articles of the Central Committee of Ukraine.

Thus, health protection, as the most important sphere of social and economic life of civil society, can be the subject of integrated scientific research. The different views and approaches of scientists to this problem contribute to its development and improvement.

Specifics of the right to health are integrative manifested in the formation of an independent branch of law - medical law. The most urgent direction of the study of this problem is the substantiation of the necessity and content of the Medical Code of Ukraine.

In addition, the study of the main areas of consolidation and codification of health legislation is the most promising direction for analyzing the role of the state in guaranteeing the right of Ukrainian citizens to health care.

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WORLD AGREEMENT: INNOVATIONS OF NATIONAL CIVIL PROCESS LAW

The Institute for the Settlement of Peace Agreements is an effective means of resolving the conflict at the trial stage and eliminating the conflict between the parties to the process. The use of a settlement agreement is also possible before a trial in court, that is, to independently settle and resolve a conflict without using judicial procedures and without filing a lawsuit.

Currently, the problem of finding effective civilized prevention, settlement and settlement of disputes arising from civil legal relationships is becoming increasingly relevant. In addition, it is logical to increase the number of concluded civil-law agreements with the inevitability of growth and the number of violations of contractual obligations. As a result, the complexity and scale of the controversy increases so much that the judicial system is often objectively incapable of ensuring their timely and proper resolution. Disputes are solved by courts unacceptably slowly for the modern rhythm of public life. In this regard, it becomes increasingly important to implement conciliation procedures, including the conclusion of peace agreements.

The peace agreement, by its very nature, is a bilateral (multilateral) agreement between the plaintiff and the defendant, which defines the content of the controversial legal relationship and contains the conditions that the subjects must act in order to settle a material dispute between themselves. Therefore, a world agreement is, in effect, an agreement between the parties that establishes, changes or terminates civil rights and obligations of the parties. The main purpose of the peace agreement is to

protect the rights or interests that are being violated or challenged, therefore the content of such an agreement should contain a concrete way of protecting civil rights.

As a result of the study of this problem, it is possible to draw certain conclusions and agree with certain positions of scientists, namely: firstly, when regulating relations that arise during the conclusion and after the conclusion of the agreement, the rules of substantive and procedural law should be guided. The agreement of the world should be considered as the obligation of the parties in the civil law sense, while the norms of the civil law on the inadmissibility of unilateral refusal of the obligation should apply to the international agreement. Secondly, the peace agreement is a transaction concluded by the parties to procedural and executive relations with the aim of settling the dispute or the termination of enforcement proceedings and is governed by the rules of substantive and procedural law, the legislator has a limitation on content and is subject to approval by a court or other official. Thirdly, it is advisable to give the right to approve a peace agreement in the enforcement proceedings of the state executor as a representative of the state, provided that the conclusion of the settlement agreement does not violate the rights of other persons. Fourth, because the international agreement is subject to approval by the state body, it should be equated with the obligation, which is certified by the notary, and in case of improper implementation of the agreement, the peace agreement may be enforced on the basis of the notary's executive inscription.

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PROTECTION OF OWNERSHIP OF REAL ESTATE OBJECTS IN CONTRACTUAL OBLIGATIONS BY RECOGNIZING TRANSACTIONS AS INVALID.

Contractual obligations to protect property rights to real estate are used for reasons of violation of the terms of contracts. These methods are applied in the event of violation of one of the parties to the contract its terms, that is, non-fulfillment or improper performance of contractual obligations.

Despite the basic nature of the tax law in civil law, the nature of the categories of property and property rights to real estate, the relations governed by the law obligations as a civil law institution are more extensive and in practice create the most diverse and complex legal situations.

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ORGANIZATIONAL AND LEGAL PROCEDURES FOR PROTECTION OF A COMMERCIAL SECRET OF BUSINESS SUBSIDIARY

Establishing and applying the "commercial secret" regime to information that is commercially valuable for the business subsidiary is one of the priority issues of ensuring its economic security. The procedure for assigning information to commercial secret involves several clearly defined stages.

At the first stage, the actualization of certain information occurs, which needs protection in the status of commercial secrets. The second stage - the head of an enterprise issues an order on the approval and implementation of the company's regulations on commercial secret of the enterprise and the procedure for acquaintance with it. Next - the commission forms the list of information constituting the commercial secret of the enterprise. The fourth stage involves the approval of the List of information constituting the commercial secret of the enterprise and consists of two stages: 1) the assignment of each type of information to the appropriate seal of the secrecy. "Especially secretive" - information that will have a negative impact on the entire business of the enterprise, and "secret" - information that may lead to damage in a particular direction of the enterprise; 2) the approval and signing by the head of the company of the List of information constituting commercial secret.

The fifth stage is the establishment of material carriers of information constituting the commercial secret of the enterprise. At the sixth stage, specific employees who are aware of secret information are identified or may have access to it. The seventh stage - the choice of ways to protect commercial secrets at the enterprise. Effective ways of protection are: creation of a regime-secret unit with functions of support and control over the observance of the established secrecy regime, whose activities are determined by the relevant instructions, regulations or

orders; providing a strict mode of access to confidential information; the introduction of appropriate marking of data carriers; ensuring the safety of documents containing commercial secrets; application of technical means of protection of commercial secrets; increasing employee loyalty.

The realities of the present comprised, particular attention should be paid to issues that, according to scientific research, have a greater impact on the protection of commercially valuable information. First of all, it is the unceasing development of information technology, which makes it possible to copy and distribute valuable information. Often such actions occur without the permission of the owner. Therefore, it is important to pay particular attention to the use of technical means of protecting commercial secrets, using reliable information systems, licensed software, etc. Secondly, more attention should be paid to raising employee loyalty. By taking appropriate measures, they will improve productivity, strengthen the staff, reduce their fluidity, and thereby minimize the risk of disclosure of commercial secrets.

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CONTRACT GROUNDS FOR THE RIGHT OF SUPERFICIES

The legislative changes made to the Civil and Land Codes of Ukraine, which took place since 2008, made some corrections to the institute's superficies.

Regardless the legislative reforms that have taken place and the volatile development of the real estate market, superficicies remain a useful and simpler alternative to acquiring real property rights. And, therefore, it deserves attention, to study of such grounds as a treaty.

The analysis of Ukrainian legislation allows us to apply an already valid method of analysis of the relevant contractual constructions, especially through the prism of its elements.

Given the legal nature of the law of superficies as an alienated right, contracts that mediate the emergence of the right of limited use of land for development are divided into two types:a) contracts which the right of superficies is established the first time; b) contracts where the right superficies passes from the superficiary to the new contractor.

The first category is the most widespread, and that why we will begin an analysis of this construction.

To the essential (necessary) conditions of the agreement on the establishment of a superficies should include the conditions of the object and subject.

An object, that is, a plot of land, and information about such a plot of land is a basic essential condition.

So the contract should indicate its intended purpose, cadastral number, location, purpose of its (building) and use, type and volume of construction.

Second group are contracts where the right superficies passes from the superficiary to the new contractor.

Such contracts can be called a contract of sale and donation contract.

These agreements have binding-legal with material legal consequences nature. Because the basis of this design is an obligation. To the essential (necessary) conditions of the agreement are the object and subject too.

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COMPARATIVE LEGAL CHARACTERISTIC OF THE CONCEPT OF HOUSING IN NATIONAL AND INTERNATIONAL LAW

The article investigates the actual issues of understanding the concept of "housing" as one of the most important objects of civil legal relations. There is established ambiguous understanding of this legal structure both in the legislation and practice of law enforcement, and in science.

The development and complication of civil legal relations leads to a constant need for a scientific rethinking of the theoretical and normative provisions, and the resolution of housing law problems, given the rather high level of development of international legal provisions in the area of housing law. Therefore, this study aims at a comprehensive analysis of the concept of housing in national and international law in order to form a unity in the doctrinal sense of this legal category.

It is established that in the legislation of our country there are several approaches to the definition of "housing". It is believed that the housing fund covers the aggregate of residential buildings and residential premises throughout the territory of Ukraine, which are recognized in accordance with the established procedure housing suitable for citizenship irrespective of the form of ownership. The same living space should be well-equipped in accordance with the conditions of this settlement, meet the established sanitary and technical requirements.

The civil-law understanding of the concept of housing, which is enshrined in art. 379 of the Civil Code of Ukraine and which refers to a residential house, apartment, other premises, intended and suitable for permanent residence in them people.

The constitutional and legal concept of "housing" is wider than the category "living quarters", since it includes not only residential buildings, apartments and their isolated parts, but also other buildings traditionally used for living. That is, understanding the concept of housing in different values is mainly due to significant differences in the meaning of the term "housing" in the constitutional and civil law.

Another concept is interpreted "housing" in the tax and criminal law. His understanding is also controversial in the practice of the European Court of Human Rights. The concept of "housing" in the practice of law enforcement of the European Court is much broader than domestic law and practice law enforcement.

It has been established that the very concept of "housing" at the present stage of development of international law has a broad meaning. An integrated approach to understanding the legal category of "housing" is especially important for Ukraine, which works on qualitative improvement of housing legislation.

Therefore, taking into account the analysis of the current legislation and the practice of its application, "housing" should be regarded as an object of residential relations and as a generic concept, which generalizes in itself separate objects of the real estate, which relate to residential premises.

It is worth noting that, in the context of European integration, the practice of the European Court to decide on the assignment of certain objects to housing should be taken into account in the future. It is very important to harmonize the norms of domestic housing law with the norms of international law and bring them in line with recognized international standards in the field of housing relations.

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INDEFINITE PERIOD AS THE WILL OF PATIES IN CONCLUDING THE LEASE (RENT) AGREEMENT

The peculiarities of concluding an indefinite lease (rent) agreement are disclosed. The notion is supported, stating the use of the "indefinite period" in the body of the agreement is not to be regarded as a misunderstanding between the desires of the parties in relation to the term of lease.

The article states that there is no single approach in determining the list of fundamental conditions of the lease (rent) agreement among scientists and practitioners. In the science of civil law, there is an approach, according to which only the subject of the agreement is recognized as the fundamental condition of the lease (rent) agreement by virtue of legislative regulation.

The relevant provisions of the Civil Code do not make contractual relations of leasing property dependent on the existence of conditions that set the fee and the term of property use. The authors who support the opposite concept argue that this fact does not give reason to consider these conditions not fundamental. Both opinions are normatively substantiated.

Civil law provides for the possibility of expressing the will to commit an agreement by silence of the parties (Part 3 of Article 205 of the Civil Code of Ukraine). It should be noted that the lease (rent) agreement always has a term. According to Part 2 of Art. 763 of the Civil Code of Ukraine, if the term of lease is not specified in the agreement, it is considered concluded for an indefinite period. At the same time, the parties have the right to unilaterally withdraw from the agreement at any time, subject to a written warning of the counterparty during the term specified by law or contract. Consequently, the absence of a term in the body of the agreement

should be regarded as the tacit consent of the parties to conclude a lease agreement for an indefinite period. In the text of the agreement, the parties may stipulate a condition, according to which the agreement is concluded for an indefinite period. Part 2 of Art. 763 of the Civil Code of Ukraine does not in any way restrict the freedom of the parties to conclude an agreement and does not exclude the period of its validity as a necessary condition for such a contract from the list of fundamental conditions of the lease agreement. Instead, it is aimed at protecting its parties by reducing the probability of declaring an agreement void and settling the fundamental conditions of a lease agreement - a term of lease in all circumstances.

The author concludes that if the parties to the lease agreement do not indicate its actual term, such contract is still considered concluded. It is, therefore, the basis for the contractual relationship of leasing property. The author also proposes to align the provisions of the Civil and Commercial Codes of Ukraine regarding the possibility of concluding an agreement for an indefinite period.

4. CRIMINAL LAW AND CRIMINOLOGY. THE PENAL LAW. CRIMINAL PROCEDURE AND CRIMINALISTICS. FORENSIC EXAMINATION; OPERATIONAL ACTIVITIES. JUDICIARY. PROSECUTORS AND ADVOCACY

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EHE EFFECTS OF THE EUROPEAN CONVENTION ON THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND PROTOCOLS TO THEM BY THE EUROPEAN COURT OF HUMAN RIGHTS AS A INTERNATIONAL LEGAL SOURCE OF UKRAINE'S CRIMINAL LAW

The article examines the effect of the European Convention on Human Rights and Fundamental Freedoms and the Protocols thereto through the practice of the European Court of Human Rights as an international legal source of criminal law in Ukraine. It has been established that the decisions of the European Court of Human Rights are part of the legal system of Ukraine.

The legal consequence of the adoption of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the creation of a European Court of Human Rights in accordance with it is that the European Court of Human Rights can receive complaints from any individual, organization or any group of individuals who are victims violation by one of the member states of the Council of Europe of the rights recognized in the Convention and its Protocols. With regard to Ukraine, the legal consequence was that the ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the recognition of the jurisdiction of the European Court of Human Rights allowed citizens to apply

to the European Court of Human Rights for the protection of violated rights provided for by the Convention and the Protocols thereto, after domestic remedies.

Decisions of the European Court of Human Rights are binding on the subjects applying the European Convention for the Protection of Human Rights and Fundamental Freedoms in Criminal Law, and therefore should be considered as a source of criminal law.

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FORENSIC EXAMINATION AS A FORM OF USING SPECIAL KNOWLEDGE IN THE INVESTIGATION OF CORRUPTION CRIMES

The reasons for the low effectiveness of the investigation of corruption crimes are: insufficient professional level of the subjects of investigation, inability, in accordance with the current legislation, to detect and document the offenses of this category, as well as to use special knowledge, in particular, the possibilities of forensic examination, as forms of use of such knowledge.

The purpose of the article is to study the possibilities of forensic examination, as one of the forms of use of special knowledge in the investigation of corruption crimes.

Questions concerning the application of special knowledge in the investigation of corruption-related crimes are not sufficiently explored. It is these circumstances that became the basis for the choice of the topic of the article and substantiate its relevance in the fight against corruption at the present-day historical stage. he results of the fight against corruption reveal the need to develop new methods, methods and technical means for detecting, fixing and removing traces of corrupt acts, tactical methods of using special technical means, and improving and developing new methods of forensic examinations.

Extensive evidence in the process of pre-trial investigation of corruption crimes, along with the involvement of experts, interrogation of experts in court, the provision of consultations, has judicial expertise, as one of the main forms of the use of special knowledge in criminal proceedings.

In the investigation of corruption crimes often conduct criminalistic expertise, examination of materials, substances and products, computer-technical, phonoscopic, video-phonoscopic, various commodity-related, construction-technical and appraisal-building expertise, expert appraisals of the value of real estate and property rights to this property , appraisal-land, forensic, accounting, biological and other expertise.

Given that the expert's conclusion is a source of evidence, he must meet certain criteria, namely, affiliation, admissibility and authenticity.

The main prerequisite for the admissibility of an expert's opinion is to observe the procedural form of conducting an expert examination and drawing up a conclusion.

Conclusions:

firstly, forensic examination is the most important and qualified form of use of special knowledge in the process of proving the circumstances of a corrupt crime;

secondly, the use of specialist knowledge in the form of appointment of forensic examinations is one way of fighting corruption;

thirdly, the possibilities of forensic examination in the process of corroborating crime are far from being exhausted and require comprehensive research, improvement and development of new methods and methods for detecting, fixing and extracting traces, as well as methods of their research;

fourth, the affiliation and admissibility of an expert's conclusion as a source of evidence depends on: the legality of obtaining materials (research objects), their qualities, the correctness of the wording of the questions that are put on the decision of the expert examination, as well as the competence and competence of the expert himself.

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SPECIFICATION OF NABU AND NUTS FUNCTIONING IN THE SYSTEM OF SPECIALIZED ANTI-CORRUPTION BODIES OF UKRAINE

Modern Ukrainian society needs significant changes and reforms in order to bring its spheres of life into line with the standards of the European and world community.

Today, the most common problem is the phenomenon of corruption, which covers all the most important areas of public administration. This phenomenon has been widespread in the political and economic spheres. That is why the steps of today's government are aimed at eliminating corruption from the Ukrainian state.

One of the consequences of the anti-corruption reform was the adoption of the Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine" dated October 14, 2014 and the creation of the appropriate institution - the National Anti-Corruption Bureau of Ukraine, the main objective of which should be to ensure the observance of the rights and freedoms of citizens in the field of prevention of corruption.

According to Art. 1 of the above-mentioned law, the National Anti-Corruption Bureau of Ukraine is a state law enforcement agency, which is responsible for preventing, detecting, terminating, investigating and disclosing corruption offenses attributed to its jurisdiction, as well as preventing the commission of new ones.
For today, along with NABU, another anti-corruption body - National Agency for the Prevention of Corruption (NAPC) - has been established.

The NACC has a preventive role in checking the declarations of civil servants and their life style, disclosing any information about corruption facts or abuse of office.

Unlike the National Anti-Corruption Bureau, the Specialized Anti-Corruption Prosecutor's Office and other law-enforcement agencies in the field of combating

corruption, the main function of the National Agency is to prevent the commission of corruption offenses.

Given that both NABU and NAPC are relatively new institutions within the framework of the anti-corruption bodies, it is difficult to talk about their effectiveness or ineffectiveness today. However, a large part of the population is concerned about the expediency of creating such a large number of anti-corruption bodies, since there are currently no visible improvements in the field of combating corruption.

5. TRIBUNE OF A YOUNG SCIENTIST

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CONSTITUTIONAL AND LEGAL STATUS OF THE PRESIDENT OF UKRAINE

The study and research of the constitutional and legal status of the President of Ukraine gives a clear explanation of the role of the head of state of Ukraine. Clear distinction between the constitutional powers of the head of state in the system of the highest bodies of state power, as well as the establishment of the necessary criteria for the construction of a sovereign and independent, democratic, social and legal state.

The purpose of the article is to analyze the constitutional and legal status of the head of state in Ukraine, as well as study the system of restraints and counterweight between the head of state and the three branches of power in Ukraine, conduct and establishment in the course of research the basic means necessary for optimization of the constitutional and legal powers of the head of state in Ukraine.

In the course of the study, an analysis of the constitutional norms in the part of the powers of the head of state was carried out, the main functions assigned to the President of Ukraine, his relation with the legislative, executive and judicial branches of power were singled out. The Constitution of Ukraine paid important attention to the exclusive role of the head of state in the system of restraints and counterweight on the exercise of other powers that directly rely on him. The status of the head of state is marked with respect to powers in the field of human rights protection, defense and national security of the state.

Having conducted the research it can be argued that to the current situation there is no clear study of the sphere of guaranteeing state sovereignty by the head of

state. In the course of the study, the importance of further study of the President's institution of responsibility was established, since ensuring the work of the institution of the responsibility of the President of Ukraine is essential for maintaining the legitimacy of state power.

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WATER AS AN OBJECT OF LEGAL REGULATION OF DISPOSAL AND PROTECTION

In present of increase of water supply tense and an increase requirement to quality of water, allows to watch for the trend of contamination of water and decline of supplies of drinking-water harmful substances.

For today in Ukraine the most extended problem is providing of the rational use of water resources, because in further life the inefficient use of water resources can become a global problem for descendants, that i stipulated actuality of this theme.

A problem of drinking-water in our country is a national problem. An amount and quality of water from plumbing also are an economic problem.

In obedience to a legislation a drinking-water is the water intended for a consumption a man(plumbing, packaged, from pump-rooms, points of overflow, mine wells and damming of sources), for the use consumers for satisfaction of physiology, sanitary-hygenic, domestic and economic necessities, and also for the production of goods that needs her use, composition of that on microbiological, chemical, physical and radiation indexes answers hygienical requirements. A drinking-water ignores a food product in the drinkable water system and in the points of accordance of quality drinkable.

In particular, right man on a drinking-water it is envisaged on international and national levels, sent to providing each the least of drinking-water. Water must be suitable for a consumption, physically and economically accessible. A problem of providing a population a quality drinking-water in a sufficient amount is complex, such that includes a number of problems of sociological, ecological, economic, pertaining to national economy, territorial and normatively legal character. Providing and decision must embrace the row of measures organizational, technical, economic and legal.

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APPLICATION OF PREVENTIVE MEASURES TO AN UNDERGROUND: SPECTRUM OF UNLIMITED QUESTIONS

The process of choosing preventive measures in the criminal proceedings against a minor is extremely important. This article considers the peculiarities of the use of juvenile precautionary measures and their types in criminal proceedings.

Proceedings and precautionary measures must be substantiated. Accordingly, to understand the committed act, it is necessary to prove the circumstances of the criminal offense. Particular attention should be paid to the guilty person of the accused in committing a criminal offense, namely the form of guilt, the motive and purpose of committing a criminal offense; circumstances that affect the degree of gravity of the criminal offense, characterize the person accused, aggravating or mitigating the punishment. The researchers reviewed and analyzed the problem issues and took into account the views of scientists, their approaches to the use of certain preventive measures for this population. It also indicates the advantages and disadvantages of the use of preventive measures and other educational means that are available in the legislation.

The rules of the law allow the authorities to carry out proceedings against juveniles individually, namely to approve the appointment of adolescents of a type of preventive measure that will correspond to the gravity of the crime, age and, above all, the psychological characteristics of the minor (which may differ from the age

characteristics), health, his activities, place of residence, as well as the effectiveness of the activities themselves.

The task of preventive measures for minors is not only preventive, but also upbringing. The CPC provides important indications of conduct, where the interaction and common algorithm of actions of all participants in pre-trial investigation and judicial proceedings will make the process coherent, accessible and understandable for a minor who is in conflict with the law.

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PROBLEMS OF RECOGNITION AND IMPLEMENTATION OF LEGAL MECHANISMS FOR THE IMPLEMENTATION OF THE RIGHT TO SAME-SEX MARRIAGE IN THE WORLD (COMPARATIVE LEGAL ASPECT).

Under the influence of mass informatization and globalization of society, the public understanding of marriage acquires a significant dynamics, which leads to a change in moral dogmas, and in accordance with changes in legislation. Since the transition of Western civilization to a liberal-oriented model of values, there has been even more debate within the world community regarding the place of an individual in society. Individual values begin to prevail over collective ones, which are conditioned by the total humanization of society, which was recovered from the horror of the Second World War. The revision of traditional values, the spread of the policy of tolerance and the establishment of the concept of man as the highest social value, weakened the existing role of the state in society as a catalyst for the formation of the individual and gave the person the opportunity to identify themselves and determine their own place in society.

The extraordinary legal mechanisms for the implementation of the rights to same-sex marriages were noted by countries in which partly recognized same-sex marriages, it should be noted that for the most part this group includes federal states, as well as those that are part of the Commonwealth and other union formations. Therefore, partial recognition of same-sex marriages should be considered in the context of jurisdictional restrictions of federal states and unions, as well as in the context of existing restrictions on same-sex marriages in recognized countries.

In general, one should conclude that same-sex marriage is a serious challenge for the world community and a driving force for the deformation of traditional patterns of thinking. It is too early to say that humanity is equally ready to reform consciousness, and to timely tame the needs of liberal consciousness. However, in order to rationalize public opinion, it is first and foremost to take the necessary measures to overcome discrimination against the LGBT community. Thus, defenders of traditional family institutions and adherents of same-sex relationships will be able to debate among themselves on a par with one another. Creating a favorable atmosphere for dialogue will further stimulate the substantiation of the existing positions of the scientific community and adopt a common position on the issues of the substantive existence of the institution of the same-sex marriage.

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CORPORATE RIGHTS OF THE PARTICIPANT OF THE ECONOMIC COMMUNITY: PROBLEMS OF LEGAL REGULATION

This article is dedicated to the problem of determination of corporate rights. Four legal definitions of corporate rights are considered. Many legislative acts of Ukraine, such as the Commercial, Civil and Tax Code of Ukraine, and some laws contain various definitions of corporate rights. This creates a major problem for understanding and studying corporate rights. Lawyers also do not define corporate rights in the same way. They usually interpret corporate rights from an objective and subjective point of view. This approach is best for the study of corporate rights.

The authors describe the main features of corporate rights that help to understand the content of corporate rights.

The article deals with different approaches to the classification of corporate rights. To date, there is no single approach and criteria for defining corporate rights.

This fact indicates the complexity and diversity of the concept of corporate rights.

As a rule, lawyers in most cases share corporate rights such as property, non-property, and organizational rights.

Every year, the number of corporations in the world is increasing and corporate relations are improving. Therefore, the definition of corporate rights also needs to be improved in accordance with world standards. It should be noted that corporate rights research will never lose its relevance.