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HUMAN RIGHTS IN THE MODERN ORTHODOX INTERPRETATION (IN THE LIGHT OF INTERNATIONAL STANDARDS)

The problem of human rights, invariably remaining the political and legal one, has got the religious and philosophical sounds. The research of some problems of the orthodox interpretation of human rights was done, in particular, by I. Balzik, D. Vovk, S. Dobryanskyy, G. Druzenko, O. Lvova, S. Misevych, I. Oborotov, O. Pankevych.

The article is dedicated to the research of peculiarities of the interpretation of human rights in the modern orthodox doctrines in the comparison with international standards of such rights. These peculiarities are presented with regard to understanding some human rights (the right for life, the rights of freedom of worship (world-outlook choice), freedom of speech, family creation, property, labour, deserved earnings, rest) according to theses which are included in the modern sources of the social orthodox doctrines.

These theses are compared with the international standards of these rights, their identical and different features appear as the result of this comparison. In particular, among the identical features there are the following statements: all human rights are universal, inseparable and interrelated; all people should provide their founding rights with the democratic methods. The differences are connected with the complicated interpretation of some existential problems, such as the problem of the moment of the beginning of a human life (questions of abortion, extracorporeal impregnation) and the moment of its end (the question of euthanasia), the problem of marriage contract, the right of every person to give up the fulfilling of some duty because of his own religious belief.

As the result of the research gives the following theoretical conclusions.

For the last decades the orthodox churches directly paid their attention to the human rights problems. It was done for the first time in their history. The churches gave these problems mainly the positive moral religious appreciation. In their

acting documents connected with these problems the churches gave quite concrete recommendations which rights need to be defended in the first instance.

Some theses of modern local orthodox churches concerning human rights problems not always coincide in their content. Most surely, it is explained by the influence of specific historical peculiarities of their appearance and existence as well as the development of those societies in which such churches function.

The theses of modern orthodox doctrines about some founding human rights somehow contradict corresponding international standards. These divergences are conditioned first of all by the fundamental principles of this religion. They are still interpreted orthodoxically conservatively by some orthodox churches. As for as such too conservative approach is caused by the fundamental "axiom" principles of the orthodox religion themselves the collisions of such kind will inevitably be reproduced in the future.

Key words: human rights, international standards of human rights, Orthodoxy, human dignity, human freedom, the right for life, the right of freedom of worship (the right of world-outlook choice), the right of freedom of speech, the right of family creation, the right of property, the right to work, the right of deserved earnings, the right to rest.

GONCHARENKO V.

CONSTITUTIONAL CONSTRUCTION IN UKRAINE DURING THE NEW ECONOMIC POLICY (1921-1929)

History of State and Law of Ukraine is rich in important events. Powerful experience is saved up in the country in the field of the constitutional construction. The unique document is Constitution of Orlik 1710 which was an outstanding monument to the Ukrainian political and legal thought. The constitution of UNR was adopted by the Ukrainian Central Rada on April 29, 1918 and provided creation in Ukraine of the parliamentary republic. Considerable constitutional

experience was saved up also Soviet period which research allows to receive additional arguments in favor of a conclusion about hopelessness of functioning of the Soviet model of the power in the country.

Researchers allocate the state and the right in the period of new economic policy (1921-1929) during the independent period in the history of the Soviet Ukraine. Within this period there were many changes in legislative regulation of questions of the state, economic and welfare construction. At this time also the constitutional construction in the Ukrainian Socialist Soviet Republic (UkrSSR) was rather active.

At the beginning of new economic policy in the republic the Constitution of UkrSSR of 1919 worked. It was accepted on March 10, 1919 by the III All-Ukrainian congress of Councils of working, country and Red Army deputies which took place in the city of Kharkov. Finally the first Constitution of USSR was approved at a meeting of the All-Ukrainian CEC (VUTsIK) on March 14, 1919. The Constitution of RSFSR was 1918 the basis for the Constitution of UkrSSR that is one more of certificates of a complete dependence of the constitutional construction in Ukraine from such construction in bolshevstsky Russia.

Almost all articles of the Constitution of UkrSSR of 1919 were penetrated by utopian ideas of socialism and dictatorship of the proletariat. So, for example, in a basis of creation of a new social order in Ukraine this Constitution underlay the principle of elimination of a private property on the earth and on means of production about what it was told in the first section of the Constitution "Main beginnings". Such private owners as capitalists and landowners, the Constitution in article 1 called "immemorial oppressors and exploiters" of the proletariat and the poorest peasantry. The attitude of the Constitution and towards representatives of other prosperous sectors of society was negative. In article 2 of the Constitution it was unambiguously declared that "implementation of transition from a bourgeois system by socialism by carrying out socialist reforms and systematic suppression of all counterrevolutionary intentions from prosperous classes" is a task of dictatorship of the proletariat. Thus, in a basis of a social and political system in

UkrSSR the first Soviet Constitution of Ukraine put the class principle which contradicted universal values.

For development of provisions of the Constitution of USSR of 1919 about system of government bodies of UkrSSR in the first years of new economic policy a number of the regulations which were in details regulating their organization and activity was adopted. So, for example, the resolution V of All-Ukrainian congress of Councils of March 1, 1921 "About the Soviet construction" was the statutory act which concerned the basic moments of construction and competence of All-Ukrainian congress of Councils, of VUTsVK, Presidium of VUTsVK. That is in the first years of new economic policy regulations of the constitutional character which provisions should be reflected in the Constitution of UkrSSR were adopted. Besides, considerable changes in the state construction of the republic happened in connection with formation in 1922 of UkrSSR and entry into its structure the Ukrainian Soviet Socialist Republic. This event was fixed in the Constitution of the UkrSSR 1924 which acceptance demanded display and in the Constitution of UkrSSR. Couldn't but affect the constitutional construction in UkrSSR such important events, as formation in 1924 the Autonomous Moldavian Socialist Soviet Republic with its inclusion in structure of UkrSSR, and also carrying out in the early twenties in Ukraine of administrative-territorial reform. Therefore the question of modification of the Constitution of UkrSSR ripened. Its decision was carried out by the X All-Ukrainian congress of Councils in May, 1925 which adopted the resolution "About Change of the Constitution of the Ukrainian Socialist Soviet Republic". However modification of the Constitution of UkrSSR of 1919 was insufficiently. It was required to develop and adopt the new Constitution of UkrSSR which would reflect all changes which happened in Ukraine in a social, political and legal order in the period of new economic policy more fully.

This gap was filled with XI All-Ukrainian congress of Councils which adopted the new Constitution of USSR on May 15, 1929.

This Constitution stopped the action because of adoption of the new Constitution Ukrainian the Soviet Socialist Republic by thy Extraordinary XIV congress of Councils in 1937.

Key words: New Economic Policy, the Constitution of the UkrSSR 1919, the Constitution of the USSR in the wording of the 1925, the Constitution of the UkrSSR 1929, the constitutional process in Ukraine.

LUKIANOV D.

LEGAL SYSTEM AS AN OBJECT OF COMPARATIVE LEGAL RESEARCH: ACCORDING TO THE SYSTEM'S THEORY

The article analyzes the main provisions of the theory of systems for the purpose of their application for disclosure of the nature of the legal system. The author refers to the clarification of the relationship between the legal system and society.System's theory reveals the characteristics of the legal system such as:

1) the legal system is a complex social system;

2) the relationship between elements of the legal system is natural, but it does not exclude some degree of entropy (uncertainty, disorder);

3) it is ontologically open, it exchanges with the environment that surrounds it;

4) the main operations which determines the features of the system and ensures its integrity is communication between the actors of this system;

5) existence of institutional manifestations ensures stability of relations in time and space;

6) it is not uniform, it is no single center of power which represents all other participants of relations;

7) it is a symbolic system that corresponds to the reality of the society so close that there is virtually inseparable from it;

8) it is associated with a certain space, but space does not necessarily mean a fixed area and not necessarily controlled by the state.

Key words: legal system, social system, theory of system, legal system of society, subsystem.

LYUBCHENKO M.

LANGUAGE AND LAW: ISSUE OF CORRELATION

Peculiarity of inter connection of language and law has long been of interest for linguists and lawyers. Development of new means of communication, process of establishment of legal integration and harmonization in the countries of the European Union, approximation of legislation of Ukraine to the requirements of the European law are those factors which have even more actualized the specified problems and draw considerable attention to the issues of inter lingual communication in the field flaw. Interest tot he issues of the language oflaw and its different aspects has risen noticeably fort he last decades which even has resulted in origin of a relatively independent discipline which is located at the junction between linguistics and law –"legal linguistics" or even "legal terminology". Many theses and studies devoted to the research of the noted issue have been published. In particular, here are works by S.P. Hizhniak, N.A. Vlasenko, T.V. Gubarieva, A.N. Shepelev, A.F.Cherdancev and etc. In Ukraine, such authors as I.O. Bilia-Sabadash, V.D. Titov and S.E. Zarhina, N.V. Artykutsa, S.P. Kravchenko, M.B. Verbeniets, P.M. Baltadzhi, T.S. Podorozhna, Z.A. Trostyuk and othersalso devoted their works to these problems.

Main tasks of the article include analysis of interconnection and interdependence of language and law; description of the language as a universal meansof objectification of ideas, communication and information transfer; determination of a role of the term system as a special manifestation of language functioning; research of the language of law and special requirements to it.

Language is a main meansof transfer of any information, universal means of objectification of ideasas well ascommunication. In the field of legal relationships, there is a special language as a sign system which serves as a means of ideas

demonstration of ideas, lawyers' professional communication, a means of transfer of professional (legal) information. This sign system includes special legalterms which have a special legal meaning and is calleda language of law or legal language.In the special studies, it has been suggested to understandthe language of law as a logical system of verbal expression of ideasby which law and its manifestations are described, that is characterized with presence of specific terminology, special objects of fixing and a certain circle of permanent users and serves as a means of intellectual legal communications. It is characterized with certain specific features whichdistinguish it among the general language, in particular: formality,clarity, accuracy, unambiguity, completeness of content, logical sequence, argumentativeness, clearness of presentation structure, prescriptive informing (directive) nature of legal regulations, codification, generalization, strict normativity of all the language levels, high degree of standardization, stylistic homogeneity, neutrality (unemotionality) etc. Main requirements to the language of law are such as adequacy, determination, lapidary, formality, functionality.

Thus, summarizing, it should be noted that language and laware closely connected, moreover, law can not exist without language. In the field of legal relationships, there is a special language as a sign system which serves as a means of demonstration of ideas, lawyers' professional communication, a means of transfer of professional (legal) information. The legal doctrine has produced such basic requirements to the language of law as adequacy, determination, lapidary, formality, functionality. Legal terminology is an important component of the language of law.

Key words: language, law, terminological, legal text communication.

NASTUK V., BELEVTSEVA V.

POLITICAL AND LEGAL PROBLEMS OF COUNTERACTION TO CORRUPTION IN UKRAINE

A corruption is permanent companion of state institutes of power. As the social negative phenomenon in society, a corruption existed always, as soon as an administrative office was formed, and was incident to all states in any periods of their development. The concept of the phenomenon a «corruption» will nurse far outside category «bribery».

It should be noted that research of problematic issues of different aspects of the corruption phenomena, and also category conceptual framework many famous domestic and foreign scientists, in particular, Ju. Baulin, V. Borisov, V. Garashchuk, V. Golina, N. Kuznetsova, O. Lemeshko, V. Lukomskiy, V. Luneev, M. Melnik, A. Mizeriy, A. Mukhataev, E. Nevmerzhitskiy, M Khavronyuk, I. Chubenko etc. In spite of obvious actuality of this problem, and in a theory, and in practice there is plenty of open questions, beginning from that, which exist types of corruption displays, that for negative consequences a corruption carries and concluding development of effective measures of counteraction to the corruption displays taking into account the newest operating of the state conditions.

In this article authors put for a purpose to consider political and legal problems in the field of counteraction to the corruption in Ukraine and ways of their overcoming.

Serious by a politically corruption an aspect is absence (possibly of some use) of political will for a fight against a corruption. Documentary certificates to it much enough. The special type of corruption is a corruption political, which can be examined from three positions: criminal-legal, motivational and estimating. One of political reasons there is fear of Ukrainian power to purchase the estimation of «authoritarian power» and set hard social legal control above criminal economic activity, corruption and organized crime.

Legal problems more frequent all erect to establishment of responsibility for corruption offences, and also rules of passing of government service. The basic sources of corruption: state financial streams; pockets of citizens and businessmen, which have legitimate and current necessities and interests realization of which is

possible only through those and other decisions of officials. Most laws and other normative acts of the different fields of law (administrative, budgetary, bank et al) straight or mediated assumed (and assume) different corruption risks. Now it is extremely necessary to inculcate anticorruption examination in practice of activity.

Going out from European principles of forming of the anticorruption system it is possible to offer such ways of alteration from the increase of its efficiency: 1) it is necessary to obtain the legislative decision of question in relation to introduction of financial control after profits and charges of public servants and members of their families. 2) In approvals of the proper laws it is necessary substantially to extend confiscation of property. World experience shows that economic injury of corruption and organized criminal to activity is humane cheap and effective approval of criminal punishment. 3) In situation, which was folded in Ukraine, for the uncompromising fight against the corruption of state public servants, especially higher category it is necessary to set establishment (independent) with the special procedure of setting and retirement of its leader. 4) It is necessary to revise a question about the representative office of civil servants in joint-stock companies with the stake of state capital. 5) It is necessary to put under control passing of civil servants to positions of leaders of business enterprises after their liberation from service.

Key words: corruption, corruption phenomena, corruption offenses, illegal actions of the corruption direction, national security.

GARASHCUK I., PETRYSHYN O.

ORGANIZATIONAL AND FUNCTIONAL LOCAL SELF-GOVERNMENT REFORMS IN THE BALTIC COUNTRIES

The article highlights undergoing municipal and administrative reforms as well as reveals the current state of local self-government in the Baltic countries. The paper uncovers its problems, showcases the development process of local self-

government, its legal regulation, system's current active state etc. Key challenges, which were faced by Lithuanian, Latvian and Estonian local governments during the reform process, are almost identical with those that exist in Ukraine today, stating a strong argument for the implementation of the Baltic experience towards the creation of effective and sustainable, as well as a national oriented local self-government in Ukraine.

The local self-government improvement process, undergoing in Ukraine, should be based on democratic principles stated in the European charter of local self-government. Thus, the improvement of local self-government system plays a key role in the conduction of the public administration reform in general, which provides the main task of municipal reform – eliminating contradictions and shortcomings that significantly affect the implementation of democratic local self-government.

A set of recommendations and directions is produced as an outcome of this paper. A list of specific Ukrainian challenges is also being taken into consideration, such as: overwhelming level of corruption and bureaucratization present in all areas of state regulation, as well as an extremely underdeveloped civil society. This, in turn, is what distinguishes our system of local self-government from others, adding new challenges. Thus, a decent level of governmental and civic cooperation and initiative is crucial for further development and improvement of local self-government in Ukraine.

Key words: local government reform in Ukraine, municipal reform, local government, Lithuania, Latvia, Estonia.

LETNYANCHYN L., CHENYKAYEV A.

ACTUAL PROBLEMS IN APPLICATION LEGISLATION UKRAINE **CABOUT MILITARY-ADMINISTRATIVE OFFENSES: CONSTITUTIONAL ASPECT**

The defence of Ukraine and the protection of its sovereignty, territorial

indivisibility and inviolability, are entrusted to the Armed Forces of Ukraine (Art. 14. p. 2). The army is a specific but very important part in mehanizm of Ukraine. High moral and psychological position of army, proper discipline and the rule of law are one of the main things at the stage of state-building. And vice verca different negative effects can undermine defense capabilities of the state.

As Ukrainian army and military units that are created according to the Ukrainian legeslation increased different violations of law,violations of military discipline increased too. Drunkenness has spread. According to this problem VerhovnaRada of Ukraine has reacted. On 5 th of January 2015 the new law was adopted 'On amendments to the law of Ukraine about strengthening of responsibility to soldiers, giving their commanders additional rights and obligations in a special period' № 158-VIII. This law took effect on 5 of March 2015.

In the article you can see some problems of using on practice legeslation about military-administrative offenses. In constitutional law aspect authors analyze the meaning of the last legeslation novels which are directed on strengthening of responsibility of soldiers, providing the rule of law and military discipline.

Also authors pay attention on terms of administrative arrest of soldiers who were drunk, the begining of terms and othets. The authors think that the idea about terms doesnt work when there is an arrest drunk of a special subject - a soldier.

There can be possible a competition between Code of Administrative Offences with some articles of the Criminal Code in part of qualification actions of soldiers as an offence.

Stresses on not fully realization by judical body difference between the institute of administrative detention and the institute of keeping in presidio.

The last has its own specifics.

For judges of the courts of genersl jurisdictions military administrative and military criminal offences are the new subjects for themAlso, in account must be taken specificity of military affairs. It doesnt meant to have Soviet practice of functioning specialized military courts. Obviously, that in future the courts of

general jurisdictions will specialized fully on such categories of cases.

Key words: Military Police, military administrative offence, military discipline, terms of administrative detention, special subject of an offence, presidio.

KUKHARYEV O.

THE ESSENCE OF HEREDITARY TRANSMISSION IN INHERITANCE LAW OF UKRAINE

This article examines the legal nature of hereditary transmission in inheritance law of Ukraine. The peculiarities of the mechanism of the transition the right to inheritance are defined. Special attention is paid to the subject of hereditary transmission.

Positions expressed in the legal literature regarding the classification of hereditary transmission as: the type of inheritance by law; separate grounds of inheritance, different from inheritance under the will and according to the law; the case of singular succession of inheritance are criticized. It is emphasized, that in case of transfer of the inheritance right by way of hereditary transmission, there is a special case of generic hereditary succession, where there is another party to the relationship — transmitent — between the legal predecessor and the successor. Unlike the classic transfer of rights and obligations of the testator to the heirs without the involvement of any other entities.

It is stressed that in recent years in the legal literature the trend towards expansion of grounds (types) of the inheritance defined by civil law. The types of inheritance include, in particular, inheritance by right of representation, hereditary transmission; the inheritance of the right to a compulsory share of inheritance; hereditary contract.

The paper identifies the following conditions of transfer of ownership on the adoption of heritage to transmissar: 1) the death of the testator; 2) calls for inheritance of the heir-transmitent. In this case the type of the inheritance does not

matter; 3) the death of the heir-transmitent after the death of the testator, but before the expiration of the period for acceptance of the inheritance. That is to say the death heir-transmitent must occur within six months from the day following the day of the testator's death; 4) the right of inheritance or its refusal was not exercised by transmitent after the death of the testator; 5) transmitent has a successor (transmissar), which is called to inheritance after the death of transmitent; 6) transmissar has exercised his right to inheritance, which opened after the death of the first testator within the period prescribed by law.

Thus if the transmitent have not accepted the inheritance, and died after the deadline for its acceptance, hereditary transmission is not applied. In this case, it is considered that the heir refused from acceptance of inheritance by legal inaction.

The study, conducted within the scope of the article, carried the inference that hereditary transmission is a tool of hereditary succession, juridical trick that provides the transfer of the inheritance from the testator to transmissar. The transfer of the right of acceptance of inheritance by way of hereditary transmission is neither a separate type of inheritance nor a case of singular succession. Hereditary transmission is considered as specific way of the exercise of the inheritance right.

It is proposed to expand the subject of hereditary transmission by inclusion not only the right to accept the inheritance, which opened after the death of the first testator, but to refuse its acceptance.

Key words: inheriting, heir, testator, hereditary transmission, transmitent, transmissar.

RISHNIAK M.

PRINCIPLES OF LAW IN THE ACTIVITIES OF THE NATIONAL MEDIATION AND RECONCILIATION SERVICE

The article aims to study the question of conditionality and the nature of jurisdictional competence of the National Mediation and Reconciliation Service as

a public authority and the subject of labor law – the member of relations with settlement of collective labor disputes (conflicts), principles of law that spread their regulating impact on the scope of its activities. It is found out the dependence of the efficiency of the National Mediation and Reconciliation Service on the requirements put forward by principles for settling collective labor disputes (conflicts) to this subject of labor law.

Settlement opportunities of labor disputes based on the law's principles acting in this field are investigated.

To achieve the aim of the article different approaches of scientists on the interaction and interdependence of law and principles of law as a general social phenomena are analyzed. The correlation, interconnection and cooperation of principles of law with legal consciousness, both objective and subjective social legal phenomena, the regulatory and ideological components of law are researched. The role of law's principles in determining the patterns of law's development, ensuring of its unity with the legal regulation are studied. The impact of principles of law on the orderliness, consistency, sequence and the balance of the system of legal settlement of collective labor disputes (conflicts) are explored. The prospects for legislation's improving, increase efficiency of its regulatory actions considering a general framework and the essence of law expressed by principles of law are examined. The power of law's principles as a universal means of direct regulation of public relations, consideration and legal disputes resolution, decision-making by jurisdictional bodies and their officials on the basis of principles of law are analyzed. The exercise of legal interpretation activity by public authorities aimed at identifying the actual content of legal norm on the basis of principles of law upon which normative legal acts are based.

National legislation and international legal acts regulating the relations with the settlement of collective labor disputes (conflicts) are investigated. Law enforcement practices and the existing legal order in the sphere of settlement of collective labor disputes (conflicts) are examined.

On the basis of analysis of the approaches of scientists, fundamental provisions of international legal acts, general principles and the sense of national legislation and law enforcement practices of the National Mediation and Reconciliation Service it has been defined the principles of law which objectively reflect the existing in the area of settlement of collective labor disputes (conflicts) legal order and impose appropriate requirements for public relations on the settlement of labor disputes and jurisdictional activity of the NMRS.

Key words: principles of law; National Mediation and Reconciliation Service; public authority; subject of labor law; collective labor disputes (conflicts); general principles of legislation; legal order; principles for settling labor disputes.

GOLINA V., KOLODYAZHNY M.

WORLD CRIME: MODERN TRENDS AND STRATEGIES OF COUNTERACTION

The article describes the current trends of crime and its specific patterns in different parts of the world and presents the progressive international experience in combating certain types of crime on the basis of analysis of The Thirteenth UN Congress on Crime Prevention and Criminal Justice.

During the period of 2003-2013 the world has witnessed relatively stable crime rate. However, it varies throughout different world regions. For example, considering murders it can be stated that their lowest level in relative terms is fixed in Europe, Asia, and Oceania (2-4 per 100 thousand of population). In the countries of Latin America, the murder rate by this indicator equals 16.

During the last decade, a correlation of income and crime can be clearly set. For example, in Europe and North America there is a decrease in the main types of property and violent crime. In Latin America and Africa, on the contrary, crime increases.

The most common and profitable examples of transnational organized crime are drug crime, economic crime, cyber crime, human traffic. Maritime piracy and

illegal gambling is spreading rapidly. In order to prevent these crimes, it is recommended to improve the national criminal legislation and develop international cooperation in this field.

The worldwide characteristics of human traffic shows the following: the most widespread is traffic for sexual exploitation (53%); women and young girls are the main victims of human traffic; in 2007-2014 the number of cases of traffic for forced labor has increased by 40%; 30% of human traffic victims are children. The most advanced prevention of this phenomenon has been developed in the USA, UK, Brasil and other countries.

The development of information technologies leads to the spread of cybercrime, the profit from which on a global scale equals 20-40 billion US dollars annually. In order to combat cybercrime successfully in developed countries it has been proposed to: share experiences across countries to prevent such crimes; facilitate the access of law enforcement bodies to e-databases; improve mechanisms for handling electronic evidence in the indicated category of criminal proceedings.

The world community has recognized the leading role of the public in its multiple revelations in crime prevention. The modern practice of combating crime proves that the most common forms of public participation in this area are: studying the state of local crime (Colombia, South Africa); recidivism prevention (Singapore, Brazil); keeping public order (US, UK, Peru, Brazil); giving free legal aid (Botswana, Zimbabwe, Kenya, Uganda) etc.

Key words: international crime, crime prevention, combating crime, The Thirteenth UN Congress on Crime Prevention and Criminal Justice.

DEMIDOVA L.

INCORPOREAL THING AS A SUBJECT OF CRIME

The historical and contemporary approaches to the understanding of the subject of crime and incorporeal things are considered in the article. The

attention is focused on that the issue of the subject of crime, its content and features are one of the main in science of criminal law, which for decades is considered attention. However, the discussion about understanding of this concept is continued. Primarily, this is due to a wide range of copyright subject of crime definitions and different attitude of researchers to expand the conceptual apparatus of criminal law with such incorporeal thing to it as a subject of crime. The purpose of the article is to examine these issues with the formulation of author's position.

The author notes that in criminal legal doctrine largely dominated approach that formulated and reasonable by Professor V. Ya.Tatsiy: the subjects of crime are objects (things) of material world with certain properties that criminal lawassociatesthe availability in the actions of person elements of certain corpus delicti. However, problem is not completely solved by this interpretation. Itssolution is not in understanding of the concept of «subject of crime», it is in a new approach to ascertain the meaning of «thing» with taking into account objectively existing grounds for acceding to bodily and incorporeal things that havecertain characteristics.

Theevolutionofscientificthoughtaboutthelastandtheexperienceofforeigncountries are considered. Substantiated that the construction of «incorporeal thing» hast he right to use, because the adjective «incorporeal» reflects the decisive property of the noun «thing» and thatisim materiality of the latter. This is confirmed in the explanatory dictionaries, where indicated that the word «incorporeal» means «not having a body, flesh; intangible», so incorporeity is characterized by immateriality as its typical property. However, it is perceived, that have outward manifestation of such immaterial phenomenon only with the help of entry into certain material form – the material shell.

Features of incorporeal thing as a subject of crime are defined: (a) the cost, monetary expression, (b) in origin the yare the result of human activity, (c) the ability to transform to physical things as a result of human activity, (d) the ability

to be the subject of legal relations with introduction in property as a result social needs.

It is emphasized that the object of the crime is always inherent physical expression, it is the objects (things) of material world with certain material and / or immaterial properties, with which criminal law associates the availability in the actions of person elements of certain corpus delicti.

The definition of incorporeal things as the subject of the crime is formulated. It is a specific thing with socially valuableim material component, which is manifested in the objective world only with the help the material (subject) of its manifestation.

Key words: **t**he subject of the offence, thing, physical thing, a disembodied thing, information.

TITKO I.

SOME QUESTIONS OF THE LEGAL NATURE OF THE PRIVATE PROSECUTION INSTITUTE IN CRIMINAL PROCEEDINGS

The article explains the thesis concerning the heterogeneity of the properties that characterize the institution of private prosecution in criminal proceedings. In particular, along with the procedure characteristics of the phenomenon (i.e., its criminal procedure characteristics), it is proposed to allocate characteristics that explain the reasons for the existence of this phenomenon. Thus, the subject of this article is description of the latter, with the innovations of the Criminal Procedure Code of 2012, law enforcement and the results of the author`s sociological research. Such characteristics of the reasons of the institute private prosecution in the criminal procedure law were isolated and described as (a) infringement on personal rights specific person; (b) the need to consider the a victim`s opinion; (c) special relations of a private nature between the victim and the offender; (d) the disproportion of harm that caused by crime with the damage that can cause government intervention against the will of the victim.

The author also expresses the opinion on the differences of the legal nature of the crimes which are considered to be cases of private accusation accoriding to the different paragraphs of part 1, chapter 477, Criminal Procedure Code of Ukraine. Based upon the sociological study results, an opinion about forms of harm that can cause state intervention in the affairs of private prosecution against the will of the victim is represented. An overview of the literature which reveiws the procedure characteristics of private prosecution institute in criminal proceedings is also hrovided.

Key words: accusation, private accusation, public prosecution, the production of private accusation, optionality.

VOZNA V.

ACTIVITIES LOCAL GOVERNMENT ENTITIES IN THE FIELD: IMPROVEMENT OF LEGISLATIVE SECURITY

Problem formulation. Since the Law of Ukraine regulating the activities of local authorities, including in the field of management was adopted before the Economic Code of Ukraine, it could be argued that there is a problem of improving the legislation in the direction of the unification of the corresponding conceptual apparatus and application of regulation. In accordance with Art. 3 of the Economic Code of Ukraine, local self-government is a subject endowed with economic competence in the management of economic activities.

Analysis of recent research and publications. Issues powers of local governments, as well as mechanisms of organizational-economic relations, engaged scholars such as the D. Zadykhaylo, P. Lubchenko, V. Milash, V. Pashkov, S. Seregina, B.Ustimenko, R. Dzhabrailov and others, but objectively and comprehensively the problem of adaptation of the legislation on local self-government to the concept and categories of modern commercial law and the law has not been studied.

Formation purposes. The aim of the article is to highlight issues of systematization of legal support of organizational- economic powers of local self-government in accordance with the provisions of modern law. You must analyze the defects of the legislation of Ukraine, as well as the legal framework of local government in the field of management. On this basis, to ascertain the group the necessary legislative measures for improving the effectiveness of the participation of local governments in the economic legal relationship by making appropriate additions to the text of the Economic Code of Ukraine and municipal legislation of Ukraine.

Statement of the basic material. The state, heading for the decentralization of public power implies the need for intensive development of municipal and economic legislation, in particular in the context of an accurate, detailed and legally correct ordering of organizational- economic powers of these bodies in the field of management. There are doubts on the status of local government in the Economic Code of Ukraine, as municipal authorities in the exercise of economic activity as the subject of organizational-economic powers involved and the economic and industrial relations, and has elements of a commercial activity.

Therefore, we consider it necessary to amend the text of the Economic Code, to allocate economic activities of local governments in a separate Institute of Business Law - local governments as a participant (subject) law.

Conclusions. After analyzing the current legislation, it should be noted that the Law of Ukraine "On local government in Ukraine" does not give the legislator adequate and proper classification of powers of local authorities according to their competence, as well as the Economic Code of Ukraine does not pay enough attention to the issues of competence and powers of local governments, which in turn requires a detailed study, improve and create a single effective mechanism, which in turn would ensure the effective regulation and management in the field of management.

Key words: local government; organizational-economic powers; legislative support; legislative systematization.

MUKOMELA I.

INFORMATION SOCIETY AND ITS CHARACTERISTICS: THEORETICALLY-LEGAL ASPECT

The fundamental characteristics of the information society from the theoretical and legal point of view are illustrated in this article. The performed analysis testified that the society of a new type is a complex multi-faceted phenomenon, which can not be perceived solely as a society of advanced technologies. It is pointed out the fact that the information society can develop only as a civil, social, democratic and legal society.

Particular attention is paid to the problem of interrelation between the civil society and information one. In this context it was performed the analysis of the content of the civil society and its subject composition concept. It was proven that the boundaries of the civil society and the information one coincide, that is, the civil society must strive to information one, and information parameters should be applied to all components of the civil society.

It was accented on the fact that the law-governed state fills the information society with the rule of law principle. The connection of the law-governed state concept and the information society is the following: they both are based and are aimed at ensuring, securing, protecting and actual realization of the inalienable rights and freedoms of the human and the citizen, as well as at the formation and development of legal awareness and legal culture.

It was focused on the problems and challenges, which are generated by the information society ahead of the legal science. It was kept up to date the issue of the creating of the legal framework on the basis of thoroughly developed jurisprudence, which would regulate exactly the sphere of the legal regulation of the virtual space, in particular, the offenses in cyberspace: the spread of the listed below occurrences onto the Internet: extremist materials, defamation, violation of

the rules of trade, tax evasion, violation of copyright and related rights in the network, etc.

It is noted that common features of the democratic state and the information society are the constant observance and protection of the human rights. The law-governed democratic state contributes into the information society the important factor of mutual responsibility of the individual and the state. The information society creates the conditions for developing of the new forms of political activity.

Analysis of the relationship of the information society and the welfare state has shown that the common feature is the proclamation of the person of higher social value, which establishes the priority of the value of life and health, honor and dignity, integrity and security of the person.

After the detailed study of the legal dimension of the information society concept it is possible to confirm that the information society orientation onto the interests of the people (a people-centred) is the through connecting link between its characteristics, such as: civil society, the law-governed, democratic, social state.

Key words: information society, rights and freedoms, civil society, Internet, law-governed state, democracy, social state.

MURTISHCHEVA A.

THE GENERAL CHARACTERISTIC OF THE CONSTITUTIONAL BASIS OF LIABILITY OF GOVERNMENT IN THE EU MEMBER-COUNTRIES

Problem setting. The article deals with general matters of constitutional basis of liability of government in the European Union member-countries in order to compare different models of legal regulation, find out the specific features of this constitutional institution incorporation into legislation of European countries.

Recent research and publications analysis. Some aspects of constitutional legal regulation of the governmental liability were researched by Yu. Barabach, I. Dakhova, V. Marchenko, O. Novikov, R. Pavlenko, I. Rakitska, S.

Serohina, V. Shapoval and others. But foregoing range of problems is not completely analyzed and needs more careful scientific research.

Paper objective is to analyze constitutional basis of liability of the supreme body of executive power and individual ministers in the European Union member-countries.

Paper main body. There are different aims of the liability of government, among them the constitutional legality guaranteeing and effective cooperation of legislative and executive branches of power in order to pursue chosen policy successfully. That is why there are two forms of governmental responsibility in the European Union member-countries: the liability before parliament or the head of the state and the judicial (legal) one for crimes or abuses of the laws and Constitution.

The foreign legislation analysis makes it possible to distinguish three general types of constitutional regulation of the liability before parliament: narrow, fragmentary and detailed. The distinguishing features and examples of each model are given. It is mentioned that the participation of court is usually specified in the articles of the constitutions regulating the judicial liability of ministers.

The constitutions of the European Union member-countries define the reason of legal governmental liability differently. It can be the crime, improper discharge of minister's official duties, violation of the Constitution and laws. The constitutions of such EU member-countries as Austria and Poland also regulate the special kind of liability – the constitutional liability of ministers.

The constitutional provisions of the EU member-countries fundamental laws are complex including different sections of constitutions: sections regulating executive power, chapters regulating the legal status of the head of the state and the government, special sections regulating devoted to interrelations between the legislative and executive branches of power.

The constitutional regulation of governmental liability depends on many factors such as constitutional traditions, legal system peculiarities, form of government. Constitutions of the majority of the EU member-countries don't

differentiate constitutional and political responsibility, but some of them fix judicial liability of ministers along with liability to parliament or the head of the state.

Conclusions of the research. On the bases of the concluded comparative research of the problems of liability of government in the EU member-countries attention is drawn to the fact of existence of the constitutional liability of government as a special form of legal liability and one of the checks and balances institutions.

Key words: government, liability of government, the European Union, constitutional regulation.