
ABSTRACTS

Amelicheva L.P., Cherneckaya S.S. *Certification work as a means of collective and individual protection of the right of workers to safety.* — P. 3.

This paper is to study the characteristic features of the category of labor law» Certification of working conditions «as an effective means of collective and individual security rights of workers to safety.

The authors studied some law, public policy, socio-economic, scientific-technical preconditions for implementation Ukrainian enterprises periodic job evaluation as in Soviet times, and during the existence of an independent Ukraine, studied significantly — essential features of the concept of job evaluation as a category of employment law in the broad sense and narrow (as an effective means of collective and individual protection of employees on safety work).

This paper introduces in Chapter XI «Occupational Safety» current Labour Code of Ukraine and Head IX «Occupational Safety» draft Labour Code of Ukraine, a separate rule - definition of the term «certification of workplaces on working conditions» in its purely narrow sense (as an effective means of collective and individual protect the right of workers to occupational safety).

Nikolskaya O.V. *The Ukrainian Parliament Commissioner for human rights in the mechanism of protection of rights and freedoms of man and citizen.* — P. 9.

The scientific article is devoted to the role of the Ukrainian Parliament Commissioner for human rights in the mechanism of protection of the rights and freedoms of man and citizen in Ukraine and defining the prospects of development of this institution. In the scientific article discusses the legal means by Authorized bodies and officials who have violated human rights. In particular, such techniques exposure to perform his acts of response, which are the constitutional submission of the Commissioner and the view of the Commissioner to the bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions, organizations regardless of the form of ownership, and their officials and violence. However, the issue of low-quality and untimely review acts of prosecutorial response by state authorities appeared in the first years of activity of the Ukrainian Ombudsman. Based on the analysis of current legislation and practice of activity of the Ukrainian Ombudsman's proposals on consolidation of the administrative responsibility not only for failure, but also for improper fulfillment of legitimate requirements of the Ukrainian Ombudsman. Also, it is proposed to establish an Authorized the right of legislative initiative.

Sytnytska O. A. *Legal regulation of the order of termination of the employment contract by the employer.* — P. 14.

The article presents a study of the legal regulation of the order of termination of the employment contract by the employer in the labor legislation of Ukraine. The author analyzes the current legislation, as well as the provisions of the Labour Code of Ukraine Bill to characterize the general features of the order of termination the employment contract by the employer and to identify gaps in its legal regulation. It is also analyzed the jurisprudence to identify a uniform position on the regulation of certain aspects of the theme. Using the comparative method of research led to the conclusion that most of the provisions of the Ukrainian labor legislation that regulate the termination of the employment contract by the employer, provide a higher level of protection for employees than the law of some foreign countries. It has been formulated a range of proposals to improve the existing order of termination of the employment contract by the employer. For example, it has been proposed to set a higher amount of severance pay to persons provided in p. 3. Art. 184, Art. 186-1 of the Labour Code of Ukraine in case of dismissal in connection with the liquidation of the company.

It is also studies the peculiarities of legal regulation of the order of termination of the employment contract by the employer in case of violation of labor discipline by employee.

Dzhumageldiyeva G. *Organizational and business authorities of local government bodies in relations of granting a land plot into use. — P. 22.*

The article is devoted to consideration of organizational and business authorities of local government bodies in relations of granting a land plot into use, in particular, in relations of granting a permit for development of the land management project regarding allotment of a land plot, its agreement and making a decision as for land plot granting.

In order to ensure priority of ecologic requirements while exercising the authorities in the sphere of land use and elimination of uncertainty regarding the role of local ecological programs in solution of the matter of granting a permit for the land management project development, it is suggested to include the specified programs into the list of documents, non-conformity whereof is a basis for making a negative decision.

Given the essential aggravation in the state of using the natural resources, it has been suggested to implement the obligatory execution of ecologic expertise for all land management projects submitted for consideration of local government bodies.

The reasons are given for significance of the decision on granting a land plot as a necessary condition of the land-user right to transfer to another stage of procedure of land plot acquisition — making a lease contract with the local government bodies, which in its turn is the only legal basis for using a land plot.

In order to eliminate uncertainty relating to contents of the decision on granting a land plot it is suggested to eliminate the grounds for refusal in approval of the land management project.

Schebetun I. S. *Constitutional principles and system of local self-government relationship and interrelation. — P. 28.*

The notion of «principles» under which it should be understood general provisions logically related to the rule of law, while not necessarily defined and enshrined in legislation in general terms that combine private and concretize the rules governing the specific relationship; considered constitutional principles of local self-government, causing the institution of local government and find expression in the functioning of its organs, which are common to both the organization and activities of state authorities and local self-government (the principle of democracy, democracy, humanity, unity of rights and obligations, legality, publicity, etc.); defined aspects of the interaction and correlation of the constitutional principles of local government and the local government system; argued for the conclusion that the constitutional principles of local self-government formed a legal model of the whole society, the state, their relationship with each other, the individual and their associations (regional communities), hence they should be considered and presented in the formation of local self-government.

Voitov A. V. *The concept, system and classification of covert investigators (detective) actions.* — P. 37.

The aim of this work is to obtain theoretical results, which shall contain provisions, which will allow in the science of criminal process to define the concept, system and classification covert investigators (detective) actions. The paper examines the concept, the legal nature and classification of these activities, its legal regulation, the ratio of the proceedings, in accordance with international legal acts in the field of criminal justice and protection of human rights. Attention is drawn to the discussion of the situation regarding concepts, entity and the ratio of investigative and legal proceedings. It is also noted that for the definition of the concept of «investigative action» it is necessary to emphasize the basic attributes, reflecting the nature of the institution of investigative actions, which distinguish it from other procedural and reprocessing activities of the investigator and collectively ensure clarity of concepts. The concept of «investigative activities».

Classification of the investigative actions on different grounds, but on the basis of formulated in the definition of investigative actions and their systems, the proposed distribution of those activities, taking account of the peculiarities of the procedural form. Proposals of theoretical and practical nature concerning the reforming of normative regulation of the production secret investigators (detective) actions. This conclusion has a starting character and for the full theoretical interpretation of this category requires further research.

Highlights and other problematic aspects arising from the manufacture of investigatory action. It offers a number of changes and amendments to the existing code of criminal procedure.

Prichodko C. V. *The genesis of the criminal judicial process in Ukraine: the place of the criminal procedural reform in 2012 and forecast of further development.* — P. 42.

The article is devoted to the issues of periodization of the development of judicial review in the criminal trial of Ukraine, forecasting the future direction of

improving its content. In the content of the article examines the state of scientific thought about the retrospective nature of judicial review. After the conclusion of the content of this institution periods: 1) from 1864 to 1917 associated with the adoption of the Charter of the Criminal Litigation; 2) from 1917 to 1991, which is characterized by «the idea of judicial recourse»; 3) from 1991 to adoption of the Constitution of Ukraine (1996), which involves the development of new concepts of judicial reform; 4) from 1996 until the completion of the «small judicial reform» (2001) — the transition period, which is defined by the Constitution of Ukraine; 5) since 2001 and 2012 — the period of the implementation and improvement of the judicial control; 6) from 2012 to the present — the period of the updated and expanded system of judicial review. Argues that in the last stage of the development of judicial review takes an active form.

Chukhraev D. A. *Mechanism and principles of procedural interest from third parties who are involved in the remand.* — P. 49.

This article discusses the steps of forming criminal procedure of interest from third parties involved in the remand. Aim is to determine the mechanism and principles of the formation of interest from third parties with which apply preventive measures. Draws attention to the content of private legal interests of participants who are subject to the impact of the criminal procedural mechanism. Developed theoretical justifications for the optimal sequence of building intrinsic motivation from third parties towards the successful achievement of the objectives of criminal proceedings. Offered a two-stage system. The first stage starts with the knowledge of third party production circumstances and identity of the suspect or the accused and the formation needs to join the criminal proceedings as a third party in the mechanism of application of preventive measures. The second stage should concern formation values for the person involved in this process. The main purpose of this stage is the formation of a third party interest that inherently must be consistent with the purpose of proceedings and preventive measures. Determining the right of a third party interest, which corresponds to the above purpose can such values, such as a preventive measure, the non-custodial suspect or the accused and, accordingly, the persistence of freedom person against whom proceedings are being carried. Are other benefits that are subject to conservation and also cause the formation of procedural interest, which includes changes in preventive measures to avoid a more severe and lack of procedural criminal responsibility.

Bolotova A. D. *Developing the legislation on state liability for damages caused illegally to economic entities.* — P. 54.

The article presents the periodization in the development of the legislation on state liability for damages caused illegally by public authorities, their officials and officers in the performance of powers to such category of victims as economic entities. It has been found that since the days of the Roman state till now the institute of state liability has passed a number of successive stages in its development: from a complete non-liability of the state for damages (from Roman times to the

end of the XVIII century) to the recognition of the state as a subject of such liability in the legislation of European countries and the U.S. and evolution of the legislation towards expanding range of public relations in which the state was imposed the duty to compensate the losses caused illegally (XX century).

The article also examines the specifics of the legislation of the USSR, analyzes the present regulatory base on state liability for losses illegally caused to economic entities under the market economy and reveals contradictions and inconsistency in building this institute. The conclusion is made that it is necessary to bring the Ukraine's legislation on state liability to economic entities in conformity with provisions of the Constitution of Ukraine, as well as with generally accepted norms and principles of the European and international law. To create a real institute of state liability to economic entities in Ukraine, problematic issues are outlined which should be settled in the first place.

Gladchenko T. B. *Legal status of employees' peculiarities performing educational functions.* — P. 61.

Making radical changes in all spheres of our social life requires considerable study and analysis of the educational specialists' role, as the subject of the educational process, because thanks to his efforts is the establishment of the individual as a citizen of Ukraine .

Investigation of legal regulation in the legal status of employees who perform educational functions, determines the disclosure of the dynamics of the employment relationships with the employees of this category. Analysis of the legal status of citizens during their competition, improve peculiarities of the legal regulation working time, rest periods of employees, who perform educational functions, will attract the best graduates to educational work, to raise the prestige of teaching activities.

How at the state level the importance of the social role is defined of educational workers depends not only on the successful implementation of economic reforms, but also economic and social development in general.

This article deals with only some of the aspects that characterize the legal status of employees who perform educational functions. In future, will need to improve the results obtained in the context of the draft Labour Code of Ukraine. As a general conclusion should be allocated as follows: first, due to the continuous development of science to educational institutions face the problem of high-quality selection of scientific and pedagogical staff; second, based on socio-economic reforms to address key issues of the legal status of employees who perform educational functions should be carried out by law.

Kosach N. E., Doncova I. A. *Administrative responsibility in bank lending.* — P. 69.

The article considers the problem of application of measures of administrative responsibility for violation of legislation on consumer credit information and information constituting credit history. Stability of the banking system is essential to the economic life of society and is associated with law enforcement in the area of banking. Of particular importance to protect the interests of depositors and creditors has

application measures against violators of banking legislation. Using administrative responsibility has traditionally been considered one of the most effective response. Proposed changes to the existing legislation to protect the rights of consumers of financial services. In particular, the possibility of bringing to administrative responsibility of officials of the bank for non-compliance with their obligation to provide relevant and reliable information about the list and the price of banking services, other information related to the provision of banking services. And also, the ability to attract employees credit bureau responsible for the violation of the disclosure and use of information constituting a credit history.

Moiseev A. M. *Information security of expert interrogation in the mode of videoconference.* — P. 74.

The problem of information security during remote prejudicial investigation and court proceedings is investigated. The suggestion for implementing of interrogation of expert in the mode of videoconference is founded. The legal basis of the proceedings in the remote form is considered. It is found that, in accordance with Section 3, Article. 232 of Code of Criminal Procedure, the use of technical means and technologies in remote prejudicial investigation should provide the necessary quality of picture and sound, as well as information security. The generalization of these recommendations allows formulating guarantee of such security for expert remote interrogation. The expediency of development and regulatory consolidation of the common strategy of proceedings information security providing, which are conducted remotely, is proved. It is emphasized that the detailed regulation requires careful handling procedures with information, its savings and protection against unauthorized or irregular use.

Titova E. V. *Principle of equality of taxpayers before a law: questions of perfection of tax legislation.* — P. 80.

Under present conditions, generally accepted principles of taxation have a strong practical impact on the formation of tax legislation. The principles are also an active component of legal practices. Among them the principle of equality of all the taxpayers before the law is of great importance.

The article examines some theoretical approaches to the determination of the essence of the principle of equality of all the taxpayers before the law. The examples of this principle fixed in the tax legislation of some countries are presented.

The definition of the principle of taxpayers' equality before the law contained in Art. 4 of the Tax Code of Ukraine is analyzed. It is noted that its content does not indicate the necessity of ensuring the equality for all the types of business entities before the law. The author illustrates the violation of the principle of taxpayers' equality before the law in the application of tax legislation on concrete examples. The grounds are given that it is necessary to coordinate the principle of taxpayers' equality before the law with the general principles of economic activities set forth in the Commercial Code of Ukraine. In the first place, it goes about the principle of equal protection of the rights of all business entities by the state (Part, Article 6 of

the Commercial Code of Ukraine). Concrete proposals are formulated to clarify the definition of the principle of all the taxpayers' equality before the law in the Tax Code of Ukraine.

Scherbakova N. V., Shyrnina A. E. *Legal description of percents on the bills of debt.* — P. 86.

The article is sanctified to the analysis of positions of the Civil code of Ukraine on questions of application of positions on the bills of debt. Legal nature of percents is certain on the bills of debt on the basis of the considered scientific approaches and positions of judicial practice. Differentiation of percents is presented for: (1) percents for using stranger monetary resources and (2) percents of annual from an overdue sum on the bills of debt. Percents of annual are the form of civil liability and simultaneously, by the method of defense of property right and interest of creditor, and are used only then, when founding of bringing in is to civil liability — offence (expiration of implementation of bill of debt). In that time as percents for using stranger monetary resources — this is a profit, what debtor is under an obligation to return to the creditor; it paying for using stranger money, including by the stored money groundlessly got; such percents are subject to payment in all cases regardless of using a debtor by stranger monetary resources, if other is not set by an agreement or law between physical persons, id est regardless of that or expiration of implementation of bill of debt took place or not.

Worked out suggestion on the improvement of legislation in this sphere. In particular the decision of question in relation to legal nature of percents annual must be certain at legislative level by bringing of the corresponding adding to the art. 625 Civil code of Ukraine, in that to provide for, that percents of annual are the method of defense of property right and interest of creditor and corresponding measure of responsibility for violation of bill of debt.

Leshenko I. I., Leshenko L. V. *Ulozhenie 1649 — the problem of violation of symphonic continuity in the Russian state.* — P. 92.

The article identifies and analyzes the main violations in various fields symphony of church-state relations, legislated in Ulozhenie. The uniqueness of the Byzantine and Russian church-state relations was determined that their dual power nature of sovereignty and the symphony of powers, under which the consent was achieved in all areas. Violations of the 2nd symphony of powers basis — «honoring the priesthood and the kingdom», which are structurally fixed in Ulozhenie concerned two areas: the limitations of the ecclesiastical court and church property. Show a tendency to substantially limiting the ecclesiastical court that directly concerned the limitation of the power of the patriarch, and the further growth of the church property. Numerous restrictions on the power of the patriarch in different areas destroyed equality and balancing state and church authorities and actually distorted dual power nature of their relationship, which led to serious consequences: elimination of the institute of the patriarchate and destruction of the monarchy. These violations played a decisive role not only in the distortion dual power nature of governance, but in the current crisis symphony of powers.

However, despite these violations, there was still a possibility to save the national foundations of the state of development, albeit briefly.

Vasylieva S. A. *The classification of the economic-legal responsibility.* — P. 99.

The article considers the problem of the classification of the economic-legal responsibility, that is relevant and perspective for further research. Today, the Ukrainian legislation does not contain a precise classification of the economic-legal responsibility, an exhaustive list of species. The Economic code of Ukraine provides the only kinds of sanctions, that are applied in the field of economic activity to the law offenders. At the same time, the question about the kinds of such responsibility is closely connected with the problem of legal regulation.

The investigated problem refers to the number of problems of economic law and problems of development of the legislation of Ukraine. Its studying is of important scientific and practical importance. The diversity and specificity of legal relations, that arise in the field of economic law, determines the need for exist and clear distinction of the different kinds of the economic-legal responsibility of its participants for offenses in this field.

The economic-legal responsibility can be classified according to different criterias (depending on the field of the economic activity of the participants of economic relationship; of the direct orientation; of the bases of occurrence; of the sanctions, that apply to offenders; of the order and period of realization).

In article, problematic questions of classification of the economic-legal responsibility, that necessary for the effective formation of lawful behavior of participants in economic relations, are investigated on the basis of analysis of the legal doctrines, existing approaches and studying the legislation. Was considered the different approaches to the differentiation (to the separation into component kinds depending on certain criterias of such division) of the economic-legal responsibility. As a result of research, were formed the variants of classification of the economic-legal responsibility. Was substantiated the necessity of legislative consolidation of classification of such responsibility.

Duchal O. *About form and content of mortgage securities.* — P. 105.

Crisis situation in many sectors of the economy affects the financial position of an entity that are experiencing a shortage of own funds. At present in Ukraine, as in most transition economies, the demand for lending to the real economy exceed their capacity of banks. But for the most part, banks have been slow to tackle the problem in question by borrowing from other banks or association with them in the consortium, resulting in the loss of potential customers. This seemingly strange situation to some extent is explained by uncertainty in the proper performance of bank borrowers' loan repayment obligations and the lack of real opportunity to offset their losses from the improper performance of the obligation.

According to the analysis of foreign experience to stimulate lending in times of crisis, one of the most effective ways to solve this problem is to introduce a mortgage.

Form and content are the key categories of mortgage activity in mortgages.

The article generalizes the current Ukrainian legislation, which governs the content and form of a mortgage. The analysis of the form and content of the mortgage. Proposed changes to the form and content of the mortgage.

Shorohova Y. S. *General problems on the basic elements of the enterprise income tax.* — P. 110.

The article is devoted to the analysis of the income tax legislation, review of the income tax stages in Ukraine, investigation of the different points of view of the scientists among which there are such as: V.P. Wisniewskiy, N.A. Danyluk, A.A. Isaev, I.H. Ozerov, D.I. Lviv, O.P. Kirilenko and many others.

The exclusive place of the enterprises income tax in comparison with other taxes in replenishment of the revenue part of the state budget in Ukraine has been determined.

It is important, that in the case of the timely and full payment, the determination of the number of legal obligations and subject rights of the taxpayers as the main subject with the help of which it is realized is possible. Such concepts as «payer» and «profit» have been considered.

Tax is the main source of the budget formation, one of the significant means of the distribution of resources between the state and enterprises of all ownership. The state provides the effective tax policy, determines the possibilities in solving of the economic growth tasks, distribution and redistribution of the GDP in order to achieve the desired structure of the social production. Therefore, consideration of