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CYBERSECURITY POLICY FRAMEWORK BY MICROSOFT

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Cybersecurity involves preventing, detecting, and responding to cyberattacks that can have wide-ranging effects on the individual, organizations, the community, and at the national level. Cyberattacks are malicious attempts to access or damage a computer system. They lead to loss of money, theft of personal information, and damage to your reputation and safety. State governments play a significant role in society, administering and delivering services, implement a strong and multi-faceted cyber policy, but unfortunately, these steps are not sufficient.

In 2018 Microsoft released a new Cybersecurity Policy Framework that is a resource for policymakers that provides an overview of the building blocks of effective cybersecurity policies and that is aligned with the best practices from around the globe. It deals with the ways how to best address cybersecurity challenges. It is an important “umbrella document”, providing a high-level overview of concepts and priorities that must be kept in mind when dealing with an effective and resilient cybersecurity policy environment [3].

According to the document the solution to transnational cyber threats can be found in the generation of mutually compatible national cybersecurity policies across the globe.

The document is divided into four sections where special attention is paid to national strategies for cybersecurity; the ways how to establish a national cyber agency, how to develop and update cybercrime laws, how to develop and update critical infrastructure protection; international strategies for cybersecurity.

The first section deals with one of the key principles that should underscore a national cybersecurity agency is that it should be "respectful of privacy, civil liberties, and rule of law".

The next two sections suggest that national cybercrime laws need to be updated and global cooperation build. Despite the fact that nations are not likely to extend beyond national interests, the Budapest Convention is given as an example of cross-border harmonization of legal definitions.

Addressing the problem of developing and updating the critical infrastructure protection laws the document defines the critical infrastructure (CI) as "systems and assets, whether physical or virtual, so vital to the country that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters" [1].

For the purpose of development of an international strategy for cybersecurity it is suggested that international norms of behaviour are needed to deter actions by defining what behaviours are acceptable and unacceptable, and imposing consequences when states actions do not adhere to the defined behaviours. Furthermore, the Digital Geneva Convention is proposed. The third key principle required by Microsoft's document is to report vulnerabilities to vendors rather than to stockpile, sell or exploit them. Some specialists consider that the problem is that “Western governments are unlikely to abandon their cyber stockpiles for fear that Russia, China, North Korea and Iran will not abandon theirs − and vice versa”.

The document states that today’s cybersecurity decisions shape tomorrow’s success. It is extremely topical today as the damages associated with cybercrime now stands at over $400 billion, up from $250 billion two years ago.

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RECKLESS COMPLICITY IN AMERICAN CRIMINAL LAW

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The doctrine of complicity liability – also referred to as the law of aiding and abetting, accomplice liability, or accessorial liability – defines the circumstances in which one person becomes liable for the crimes of another.

In modern science of criminal law the theory of commission of unintentional crimes by several persons does not fit in the prepared conceptual scheme of complicity in crime. But in some common law countries (USA, Great Britain and others) the problem of accomplice liability for unintentional crime was decided.

The extent to which a person may be an accomplice to an unintentional crime is an area that has received relatively little legal or scientific examinination. The predominant reason for this dearth of attention appears to be simply that an intrinsic component of classic mens rea in crimes is intent. Homicides, rapes, and robberies are not performed unintentionally. Perhaps as a result of the doctrinal insistence on intent, some courts view the concept of intending to aid in the commission of an unintentional crime as oxymoronic. Yet situations exist where imposing accomplice liability on a secondary actor is appropriate. When a person intends to aid another in performing a specific culpable act that inadvertently results in harm, that person is as equally accountable as the principal. Indeed, a growing number of courts have found secondary actors responsible for another individual's unintentional crime. While some

of these cases withstand scrutiny, in many instances courts have extended culpability beyond the proper reach of accomplice liability doctrine [1, 1351-1352].

Professor Kadish notes that there is nothing doctrinally improper in permitting accomplice liability for unintentional offenses since the «requirement of intention for complicity liability is satisfied by the intention of the secondary party to help or influence the primary party to commit the act that resulted in the harm». He cautions, however, that accomplice liability for unintentional crimes should be narrowly confined to situations where the accomplice intentionally promotes the particular act that causes the unintended result [2, 347-348].

In stark contrast, Professors LaFave and Scott reject entirely the suitability of accomplice doctrine for unintentional crimes. They note that accomplice liability doctrine is the most needed for crimes that prohibit specific culpable conduct, rather than for crimes that penalize an actor for causing an undesirable result [3, 584-586].

So, legislative, judicial, and scholarly treatment of accomplice liability for unintentional crimes has been decidedly conflicting. Some statutes state that accomplice liability is predicated on intent to aid in the commission of an offense. Other jurisdictions find the necessary intent by focusing on whether the secondary actor intended to aid the specific conduct producing the culpable harm and therefore permit accomplice liability for crimes that require only recklessness or negligence. Still other jurisdictions impose accomplice liability without detailing the secondary actor's role in aiding the principal in producing the unintended harm. This requires further advancement of theoretical and legal instruments that more adequately reflect the objective reality – the existence of reckless complicity.

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THE PROBLEMATIC ISSUES OF THE APPLICATION OF THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND THE PRACTICE OF THE ECHR AND POSSIBLE WAYS OF THEIR SOLUTION

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In recent years, the movement for human rights and anthropocentric aspirations has become more important for the formation of the legal system of Ukraine, while the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter – the Convention) and the practice of the European Court of Human Rights (hereinafter – ECHR) play the most important role in these processes.

One of the main problems with the application of the Convention and the practice of the ECHR is the lack of uniform approaches to their nature and the need for use in national legal proceedings and administrative practice.

As the professor O. Sedryuk rightly notes : “the practice of Ukrainian courts in applying the Convention and the practice of the ECHR is heterogeneous, and sometimes it is simply "the desire of the judge to be modern and to affirm the commitment to European law," as well as the manifestation of the formal execution of the instructions of the higher courts regarding the application of the Convention. Sometimes the nature of such a reference is a manipulative or false , when the use of the positions (and text) of the ECHR judgments is carried out in a way that is consistent not with its content and circumstances of the case but with the "needs of the judge" with regard to the substantiation of its own decision or its "proper decoration” [1, 22].

The reason for different approaches to use is caused by problems of the relevant Law, namely, the Law of Ukraine "*On the Fulfillment of Decisions and Application of Practice of the ECHR*"(hereinafter – Law). Indeed, the legislator builds the rules of Article 18 in such a way that the practice of the ECHR consists only of Decisions against Ukraine and ECHR rulings and decisions of the Commission. After all, the legislator has not made an attempt to differentiate the decision as a generic category of the set of the ECHR decisions. They include all kinds of decisions (individual decisions on inadmissibility, decisions, admissibility decisions and decisions on the merits, if the basis of the case is the question of interpretation or the application of the Convention or its protocols is the subject of the established practice of the Court and the decisions of the Chambers of the Grand Chamber.) And not only a decision against a particular State. Also, such a wording can not be accepted in view of the tasks of the Convention and the practices of the ECHR in national systems.

Concerning the issue of how to resolve the problems of the application of the Convention and the practice of the ECHR, the author suggests addressing the need to amend the Law, firstly Article 13 "General Measures".

According to the author, for the effective implementation of international legal obligations under the Convention and the development of the system of human rights protection in Ukraine, it is necessary to form a National System for the Protection of Human Rights, based on the norms of the Constitution of Ukraine and the Convention.This system would be a set of measures taken by the state to guarantee the human rights and fundamental freedoms as defined by the Constitution and the Convention. The measures should include actions aimed at systematic monitoring of the court practice, in order to formulate legal interpretations of a generalized nature (possibly normative character), namely the "ratio decidendi" of these cases, which can be applied by the courts of Ukraine and other law enforcers.

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MINOR CASES IN CIVIL PROCEEDINGS

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One of the novelties of the Civil Procedure Code of Ukraine (hereinafter referred to as the CPC) is the introduction of minor cases. Thus, Part 6 of Art. 19 considers minor cases to be the ones, in which the value of the claim does not exceed one hundred sizes of the subsistence minimum for able-bodied persons, as well as cases of minor complexity, which are recognized as insignificant by the court, except the cases which are subject to consideration only in accordance with the rules of general proceedings, and in those cases, the price of the claim in which exceeds five hundred subsistence minimum for able-bodied persons [3].

As it can be seen, the qualification of cases as minor is carried out, based on the price of a lawsuit and at the discretion of the court itself on the basis of the insignificance of one or another case. Regarding the price of a claim, then, given that Art. 19 PPC is placed in Section 1 of this Code, entitled "General Provisions"; it should be applied to courts regardless of the stage of consideration of the case, unless otherwise is provided by the relevant articles of the Code, which regulate peculiarities of consideration of a case at a certain stage [3]. That is, on the basis of the above mentioned criterion, the courts of all instance have the right to declare the case as

minor and / or assign it to the category of minor (either mistakenly or correctly) at any stage of the case consideration.

If we talk about the amount of discretionary powers of the court when qualifying cases as minor, then Part 1 of Art. 274 of the CPC determines that in the order of simplified prosecution proceedings are considered: 1) minor cases; 2) cases arising from labor relations. However, Part 3 of Art. 274 The CPC contains an exhaustive list of criteria that the court is obliged to take into account when assigning a case to a minor category, in particular: 1) the price of the claim; 2) the value of the case for the parties; 3) the method of protection chosen by the plaintiff; 4) the category and complexity of the case; 5) the scope and nature of the evidence in the case, including the necessity to appoint an expert examination, summon witnesses, etc.; 6) the number of parties and other participants in the case; 7) if the consideration of the case has the significant public interest; 8) the opinion of the parties on the need to consider the case according to the rules of simplified proceedings [3].

In addition, the legislator has identified a list of cases that cannot be considered according to simplified proceedings, that is, they are not subject to the concept of insignificance: 1) arising from family relations, except for the disputes regarding the payment of alimony and the division of property of the spouses; 2) inheritance; 3) regarding the privatization of the state housing stock; 4) regarding the recognition of unsubstantiated assets and their reclamation; 5) in which the value of a claim exceeds five hundred sizes of subsistence minimum for able-bodied persons [3].

The definition of the category of minor cases is the result of the update of the Civil Procedure law. The provisions concerning minor cases and having the same content are also included in Part 5 of Art. 12 of the Commercial Procedural Code of Ukraine (hereinafter referred to as the CPC). Unlike the Civil Procedure Code and the Commercial Procedure Code, clause 20 part 1 of Art. 4 of the Code of Administrative Justice of Ukraine provides for the definition of the concept of an administrative case of insignificant complexity (minor matter), which should be understood as an administrative case in which the nature of the controversial legal relationship, the subject of evidence and the composition of participants do not require the conduct of

preparatory proceedings and / or trial for full and complete establishing its circumstances [2]. Thus, we can trace how differently the legislator approaches the understanding of the content of minor debates, depending on the type of substantive jurisdiction. In administrative proceedings the cases of insignificant complexity are identified with minor ones, and are not connected to the price of the claim.

Consequently, the legislator has taken certain steps regarding the regulation of minor cases. At the same time, many issues remain open, in particular, the problem is the development of non-abstract and conditional, but quite specific criteria for the lack of significance of cases, which are tied not only to the price of the claim, but also to the legal nature of the controversial legal relationship, which has an important scientific-theoretical and practical meaning.

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TAX CONSULTATION: THE BEST WAY TO BE AWARE OF YOUR RIGHTS AND OBLIGATIONS

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Tax legislation is quite complicated for understanding by an average person. Complexity of tax law mainly depends on the substantive features of tax law. The

main tax legislative act – Tax Code of Ukraine – integrates a great amount of tax institutions that are linked with each other in a specific complex way. Some of the tax provisions may look complex even for tax consultants or accountants. That may cause misunderstanding of the meaning that is settled in tax provisions. That is why it is important to apply for individual or generalized tax consultation.

Individual or generalized tax consultations may be determined as official positions of the main public authorities. As individual tax consultations they show the official position of tax bodies on the matters that concern different aspects of tax law enforcement. Generalized tax consultations formalize official position of the Ministry of Finance on the main complex aspects that were previously formalized in the individual tax consultation or have the importance for bringing clarity to tax enforcement practice. At the same time we should pay attention that neither the first nor the second have binding effect on the taxpayer. They have only informative character. That means that they cannot be determined as the source of law.

Tax consultations should be positioned as the help, which is provided by the tax authorities to the taxpayers. That is a kind of official support which a taxpayer gets from the public bodies. Tax authorities perform not only control function but also inform the tax and executive bodies. As it is the form of official support we can determine it as public tax consultation. It is free from any kind of fees that ensure their availability. Tax consultations may look like administrative services but they are not. Tax consultation stay separate from administrative services what allows them to be attributed to the specific kind of public tax services.

The main substantive and procedural aspects of tax consultation were formalized in the provisions of the Tax Code of Ukraine. The more detailed procedural aspect of the tax consultation got their fixation in the tax bylaws – The Order of Granting of the Generalized Tax Consultation and The Order of Granting of the Individual Tax Consultation.

In conclusion we should say that the institute of tax consultation should be further developed as the auxiliary tool for bringing clarity into tax relations. Well-informed taxpayers are a guaranty for increase of the budget revenues. Tax

consultations can be also determined as a way to reduce the degree of disputes in the tax sphere.

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GENESE DU DEVELOPPEMENT HISTORIQUE CONCEPTION DU PRINCIPE DU DROIT DE LA RÈGLE

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Le principe de la primauté du droit est un principe fondamental à la base de la relation et des différences entre le droit et le droit résultant de l'élaboration de lois par la justice. Le contenu principal de cet idée est de garantir et d'assurer la supériorité de l'état de droit dans une société étudiée par diverses facultés de droit - écoles de droit positif, historique, de droit naturel, etc. Cela empêche l'identification de l'autonomie gouvernementale de l'État et garantit la réalisation des droits et libertés constitutionnels [1].

En résumant les pensées des penseurs médiévaux, on peut formuler les idées des précurseurs de l'état de droit dans l'ordre suivant: la doctrine du «bien construit» et du «parfait état», comme l'a souligné Platon, «la meilleure forme de système d'État» d'Aristote, «le meilleur système d'État» de Cicéron; comprendre le bien et la justice; la notion d'origine naturelle du droit; des jugements sur l'élection d'une manière juste d'exercer le pouvoir de l'État; protestation de la tyrannie; le concept

d'étendre le droit à tous les acteurs; compréhension des droits de l'homme naturels, du droit à la vie et à la propriété privée; jugement sur la nature d'un homme juste.

Aujourd'hui, l'opinion populaire est que le terme «Etat de droit» a été introduit dans la révolution scientifique en 1656 par le publiciste anglais D. Harrington, qui estimait que «la république est un empire de lois et non de peuple». A.V. Daicy a proposé une compréhension moderne de l'expression «État de droit». À son avis, l'état de droit est un facteur restrictif et un contrepoids au pouvoir théoriquement illimité de l'État sur l'individu. La fondation du principe de la primauté du droit, A.V. Daisy, reposait sur trois affirmations: «Nul ne peut être puni, sauf en cas de violation manifeste de la loi»; «Personne n'est au-dessus des lois» et «toutes les classes sociales sont généralement subordonnées aux seules règles du droit» [3]; «La primauté du droit ne devrait pas provenir d'une constitution écrite, mais d'une «loi coutumière».

Au milieu du XXème siècle, les scientifiques ont perçu l'enseignement de la Daisy, bien qu'il ait jugé nécessaire de restreindre la prétendue règle de droit par une lettre. Influence notable sur la doctrine de l'état de droit au XXe siècle. Herbert Hart, qui a estimé que la loi et la moralité devaient contenir certaines règles de conduite. Tout d'abord, ce sont les normes pour protéger un citoyen d'un certain État, ses biens et ses accords mutuels [2].

Et ce n'est qu'au XXe siècle que l'état de droit s'est étendu aux systèmes juridiques de divers États européens. C'est en République fédérale d'Allemagne que la théorie de l'état légal a été créée [4]. En France, pendant et après la révolution démocratique bourgeoise, le principe de la prééminence du droit et de la prééminence du droit a été introduit. Le principe de la prééminence du droit en tant que valeur européenne est la base obligatoire de la plupart des actes juridiques internationaux et européens.

La primauté du droit est donc une valeur juridique fondamentale. Les bases de sa compréhension ont été établies dans l'Antiquité et le Moyen Âge. Déjà au vingtième siècle, les organisations internationales formaient la doctrine principale de la compréhension de la règle de droit et commençaient à utiliser ce principe lors de

l'adoption d'actes internationaux. Ce principe est une valeur constitutionnelle des États européens modernes et figure non seulement dans la législation nationale, mais aussi dans une norme juridique universelle.

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CHALLENGES TO INFORMATION SECURITY IN A GLOBALIZED WORLD: THE USA EXPERIENCE

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The purpose of this study is to investigate the experience of the United States in a system construction for providing information space in all spheres of state and public life.

The task is to compare the information security system of the leading countries of the world, in particular the United States, with the system of providing information security of Ukraine and the allocation of directions which are useful for our country.

Security is the basis of civilization and statehood, the main prerequisite of the existence of human society or state. But information security is an independent component of state security, and its dual nature is manifested in this aspect [1].

This topic has become currently central with the spread of globalization processes in the world. The United States can be allocatedamong the countries that have constructed an effective information security system. The USA National

Information Security Policy is formed by the National Security Agency, and the most important strategic issues of information security are considered by the National Security Council, which engages advisors on national security issues and members of the Cabinet (which is part of the Executive Office of the President of the United States) in solving problems of national security and foreign policy. Protection of communication lines and automated systems has become one of the main tasks of competent authorities of the USA [2].

In general, the USA federal security policy in the field of information security has undergone a long evolutionary path consisting of four stages: creating (1939-1947), genesis (1947-1982), active development (1983-2001), fundamental improvement (2001 - to this day).

During the last 35 years, the United States has developed a clear system of information security. So, we believe that the American experience of federal policy in the field of information security is important for Ukraine.

Globalization processes in the world and positive foreign experience have become an additional impulse for the adoption and implementation of the "Doctrine of Ukraine's Information Security" by the decision of the National Security and Defense Council of Ukraine (December 29, 2016). The doctrine is aimed at protection of Ukrainian society from aggressive information impact directed to stir up national or religious enmity, change the constitutional order or violation of the sovereignty and territorial integrity of the state.

Summing up the above-mentioned, we have come to the conclusion that the USA experience can serve as a positive example for Ukraine in shaping its own strategy for providing the information sphere. The exchange of experience and the conclusion of international agreements on this issue between states can reduce the number of cyber-threats, both at national and international level.

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WAYS OF IMPROVING LAW OF TORTS

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Civil law has the purpose to regulate positively private relations on the basis of legal equality, free expression of will and property independence of parties. The normal development of civil relations is characterized by the honest fulfilment of their subjective rights and civil obligations of parties. However, despite this fact, civil law also has the means of influence that would stimulate the legitimate behaviour of participants in civil legal relations – incentive and liability measures.

Tort law in Ukraine and the UK have a lot of differences. They have different historical foundations and different law traditions. Today in Ukraine we can observe three theories about the nature of torts. The first one – the theory of moral responsibility. It was formed in the 1940-s as a fundamental theory of legal liability. Moral and political responsibility can be characterized as a conscious and perceived social necessity of a person to implement the whole set of responsibilities − political, legal, moral, etc. The second theory was developed in the 1960-s and based on the role of state coercion. In this aspect the key provision − the law cannot exist without a guarantee. State coercion is the only guarantee. The modern doctrine of civil law is based on the understanding of civil liability as a means of protection. The main purpose is to restore the state of the injured party at the expense of the wrongdoer, and not punishment.

In the UK we can observe the overlapping of civil and criminal law in the area of responsibility. The former involves the idea of violation of a private right, the latter of a public right; a tort is a wrong to the individual, the crime – to the community. From this the further differences result: 1) as to the mental attitude of the wrongdoer; 2) as to the methods of redress.

Intention is of the very essence for criminal liability. All crimes exist primarily in the mind. A wrongful act and a wrongful intent must concur. This does not mean that the intent to commit a particular crime is always to be proved. It may be found by the jury from the circumstances under which the act was committed.

The reason for this difference is obvious. The result of criminal prosecution is punishment, and punishment cannot properly be inflicted when the culpable mind can neither be shown nor inferred. The result of an action for tort is compensation, and as between the injured party and the wrongdoer it is evident that the latter generally should bear the loss, be his state of mind what it may.

In the domestic legal literature, borrowing and distinguishing between elements of criminal and civil law also take place. The most complicated moment is the establishment of grounds for civil liability. In the literature of the XX century, we can find direct borrowing of elements of a crime. Today we can observe criticism of this approach. However, an alternative and effective mechanism has not been developed yet.

From the analysis of the literature, we can conclude that the understanding of civil liability in Ukraine and the UK was formed on different roots. This is felt not only in the legislation and practice but also in the educational and academic texts on this subject. Ukrainian literature focuses on the theoretical substantiation of one or another approach. English authors build their works on the construction of an algorithm for solving a specific problem.

In conclusion, the main purpose of Ukrainian legislation is to improve its own approaches to legal regulation, and not to borrow foreign experience, which has different legal traditions.

DIFFERENCE BETWEEN LABOR AND CIVIL LAW CONTRACTS

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It is important to distinguish between labor and Civil Law contracts. Because, performing work, providing services in accordance with labor contracts, it is necessary to comply with labor law requirements, but to conclude a Civil Law contract it is necessary to be guided by the civil legislation for performance of certain work or the provision of services.

The main peculiarities of each type of the contracts should be considered. Article 21 of the Labor Code of Ukraine stipulates that a labour contract is an agreement concluded between an employee and the owner of an enterprise, institution or organization according to which the employee shall perform the work determined by this agreement, subject to observance of the internal regulations, and the owner of an enterprise, institution or organization shall pay the employee's salary and provide working conditions required for performance of work as prescribed by labour legislation, collective contract and agreement of the parties [2].

According to the labor contract: 1) an employee performs work determined by the agreement; 2) an employee is accepted for employment (position) included in the staff schedule of the company to perform certain work under specific qualification, profession, position; 3) the concluded contract is officially registered by the employer's order of the acceptance of an employee for employment (at his/her application); 4) an employee complies with the corporate labour policy; 5) an employer is obliged to pay wages and salary to an employee and provide working conditions and social guarantees necessary to perform the work, provided for by the labor legislation, collective agreement and agreement of the parties.

A Civil Law contract is an agreement between a company and a person to perform certain work (employment contract, contract of delegation etc.), the subject of which is the provision of certain working results. There are no any employment

relations regarding Civil Law contract under the labor legislation. In the case of performance of work on the basis of Civil Law contract: 1) the result of the work but not the process of labor is compensated; 2) the result is determined after the completion of the work; 3) the result is officially registered by the Acts of Acceptance of the work (services) performed; 4) the payment is made on the basis of Acts; 5) an individual who performs the work (provides services) is not the subject to the internal labor policy of the company, organizes his/her work independently and performs it at his/her own accord; 6) the company is not obliged to comply with labor legislation.

If the fact of employment acceptance be a person having certain qualification, speciality, position is not established; his/her rights and responsibilities are not explained and he/she is informed against acknowledgement under conditions of employment etc, such contract could not be considered as Labor Contract. It was noted in the decision of the High Specialized Court of Ukraine for Civil and Criminal Cases of 05.02.2014, in case № 6-48920св13 [1].

Thus, the main feature distinguishing the employment relationship from the contracting ones is that Labor Legislation regulates the process of labor activity, its organization, but according to the Civil Law contract, the purpose is to obtain certain material result. The contractor, in contrast to the employee, is not the subject to the internal labor policy, he/she should independently organize and perform the work.

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CONDITION OF IRRADIANCE MEASURING METHODS FOR PHOTOELECTRIC DEVICES IN UKRAINE

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Using high-quality measurements in production allows to predict more accurately the future energy output and financial income from the use of photovoltaic devices. High quality, reliable data are essential for all activities in power ewngineering and solar energy sector in particular.

The current international standard of Ukraine DSTU EN 60904-1: 2009 "Photovoltaic devices. Part 1. The photovoltaic current-voltage characteristics. Methods of measurement specified" [1] indicates that there are two main methods of measuring the characteristics of photovoltaic cells: measuring using natural solar radiation and measurements using artificial solar radiation. We will consider them in more detail.

The object of study is the regulations governing the procedures and components for the measurement of the indicators of the performance of photovoltaic devices.

The subject of the study is methods for irradiance measurement.

Measurement using natural solar radiation is conducted only in the condition when the fluctuations of the total irradiation does not exceed ± 1%, the wind speed is less than 2 m / s, the minimum value of exposure at the moment of measurement is 800 W / m2. When measuring the CVC using natural light sources, the radiation angle is not perpendicular to the work surface or close to it, thus it is recommended to use a standard device of the same type and size as and tested one. In the range of measurement, the standard device should have a linear dependence of short circuit current on exposure. The temperatures of the standard device and the tested specimen should be measured using high precision instruments and if the temperature difference is more than 2º, an adjusting factor should be introduced.

The measuring unit based on using natural light sources consists of: a standard photoelectric device or pyranometer; instruments for measuring temperature of the standard device and the tested one; a device for determining the complanability of the working surfaces of the standard device and the tested sample; two axial observation system that adjusts the angle of incidence of irradiation and the tested sample in a perpendicular direction; a spectroradiometer; instruments for measuring voltage and current; adjustable equivalent load; devices for continuous recording of measurement results of the CVC.

Measurement using artificial solar radiation falls into two types: a steady and pulse measurements. When using this type of measurement, the distribution of radiation on the measurement area can be uneven, thus the degree of homogeneity should be known and regularly checked.

Measurement is based on using 3 methods:

- the size of the tested unit and the standard sample fit together (the design should be identical, as well as the electrical characteristics, identical types of the used elements and circuit connections);
- the tested sample size is larger than the standard sample;
- the size of the tested sample is smaller than the standard device.

The measuring unit, based on using natural light sources has identical ingredients as the previous measuring unit mentioned, but the following devices are added: sunlight simulator that meets the requirements; a radiation sensor that monitors the instantaneous exposure in the area.

Irradiation, in both cases E is determined by the obtained values of short circuit current of the standard device and its calibration value, which is measured under the standard conditions of testing (SUV). If the temperature of the standard device is different when measuring the temperature at which the calibration was carried out, an adjusting factor for temperature should be added to the equation:

$$E = \frac{E_{СУВ} * I_{кз\ e}}{I_{кз\ e\ СУВ}}[1 - i_{t\ e}(T_e - T_{e\ СУВ})],$$

T_e – a standard device temperature during the measurement;

$T_{e\ СУВ}$ - a standard device temperature during its calibration (25ºC);

$E_{СУВ}$ – the exposure value at which calibration is conducted (W / m2);

Therefore, the current irradiance measuring methods for photovoltaic devices can be divided into two main types depending on the radiation sources, namely, using solar and artificial solar sources. Herewith, the design of the devices is similar, as well as the methods of exposure calculation.

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LEGAL ASPECTS OF REGULATION OF FOREING DIRECT INVESTMENTS IN UKRAINE

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The question of efficient policy for foreign investments attraction acquires special importance in Ukraine today. In the public discussion, it is undisputed that Foreign Direct Investment (FDI) is an important factor of stimulating economic growth in Ukraine. Specifically, there is little up-to-date analysis of the FDI stock in Ukraine and even less analysis of the economic effects of FDI on Ukraine.

At the same time, the investment climate of Ukraine looks attractive enough. Indisputable is the fact that the Ukrainian market is considered to be one of the largest in Europe. Ukraine also has strategically favorable geographical location with the developed transport infrastructure [3].

The main problems which restrain the Ukrainian investment climate improvement are: absence of permanent strategy and proper plan of actions; complicated tax system; long procedure of the permissions reception and document execution; substantial tax burden; absence of national advertising.

Foreign direct investment (FDI) remains low, with net FDI in 2017 equal to only 2 percent of GDP. The most significant constraints on FDI remain the business climate and corruption. Foreign investors cite corruption in the judiciary, poor infrastructure, powerful vested interests, and weak protection of property rights as some of the major challenges to doing business. Increasing labor migration abroad, particularly to the EU, is reducing Ukraine's labor force.

The Ukrainian government recognizes these problems and has passed and implemented a number of reforms to improve the business environment. Over the past four years, the government has established transparent government procurement through the ProZorro online system and established new institutions to prevent and investigate corruption, including the National Anti-Corruption Bureau of Ukraine (NABU) and the Special Anti-Corruption Prosecutor's Office (SAP). In 2017, the government passed a law to improve regulation of law enforcement agencies' investigations of businesses after companies complained of harassment [2].

Therefore the following are the main tasks for the investment climate improvement in a short-term prospect: development of investment climate, improvement strategy and positive image of Ukraine; providing sustainable internal economic and political situation, investing transparency through regulative base improvement; providing important information for foreign investors; taxation system reformation; strengthening of international competitiveness in highly technological industries [1].

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ÉTUDE DE LA SCIENCE JURIDIQUE MODERNE DANS LES ETABLISSEMENTS D'ENSEIGNEMENT UKRAINIENS

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L'analphabétisme juridique des citoyens est l'un des problèmes sociaux les plus importants. Toute personne est obligée de connaître ses droits et d'avoir une idée précise de l'endroit et de la manière dont ils doivent être appliqués dans une situation de vie donnée. Connaître leurs droits est une opportunité pour prévenir leur violation et se battre pour leur respect. Malheureusement, un pourcentage élevé de citoyens ne jugent pas nécessaire de connaître leurs droits et leurs obligations et ne les respectent pas.

Dans la plupart des cas, les enfants ne connaissent pas leurs droits, bien que des adultes se produisent également. Mais comment les enfants peuvent-ils connaître leurs droits si la loi n'est enseignée à l'école qu'un an?! Situation identique dans les établissements d'enseignement supérieur de direction non juridique. Tout d'abord, il convient de souligner que l'état de droit ne peut être instauré avec des personnes peu instruites en droit. Par conséquent, à mon avis, il convient de prêter attention à la nécessité d'améliorer les programmes éducatifs et professionnels des établissements d'enseignement non juridique et les programmes destinés aux écoles afin d'augmenter le nombre d'heures d'étude pour l'enseignement de disciplines juridiques.

Selon le niveau standard, le sujet "Jurisprudence", actuellement à l'étude dans les écoles, les élèves de la classe 10 disposent de 35 heures universitaires. Une augmentation du nombre d'heures d'étude dans une école d'enseignement général

n'est prévue qu'au niveau du profil, mais de telles écoles en Ukraine sont trop petites. Actuellement, il existe un problème d'insuffisance du nombre d'heures d'étude pour étudier un sujet aussi important que la "jurisprudence" dans la grande majorité des élèves des écoles secondaires. La conséquence de ce problème est le faible niveau de connaissance de base de la jurisprudence dont une personne a besoin, y compris le futur étudiant.

En ce qui concerne les étudiants, 18 heures académiques sont prévues pour les cours magistraux, ce qui implique de mener seulement 7 à 9 cours magistraux. Par conséquent, il est difficile même d'imaginer comment, dans un laps de temps relativement court, les étudiants peuvent se familiariser avec une discipline aussi nécessaire et importante que la "jurisprudence", qui se concentre principalement sur les branches fondamentales du droit. En outre, il est impossible de maîtriser même les dispositions de base des actes législatifs ordinaires. En raison du temps limité dont ils disposent, les enseignants de disciplines juridiques n'ont pas la possibilité d'approfondir les aspects nécessaires des questions d'étude et de connaître ce qui est très important.

Si vous soulevez la question de l'enseignement de la jurisprudence dans les écoles autres que de droit, il convient de rappeler que le sujet "Jurisprudence" existe également dans les écoles secondaires et que, à première vue, elles sont dupliquées. Mais contrairement à l'enseignement général à l'université, cette matière est enseignée principalement par des spécialistes expérimentés dans le domaine des travaux pratiques et l'occasion d'examiner de plus près les questions nécessaires dans les matières, plus exigeantes pour leurs étudiants. À son tour, c'est pendant les années d'études que les jeunes sont plus conscients de la nécessité de connaître le droit et qu'ils ne devraient en fait que consolider et élargir les connaissances acquises à l'école sur le sujet de la "jurisprudence". Il est très important d'avoir une formation juridique dans des établissements d'enseignement supérieur qui ne vise pas à former des avocats.

Ce qui précède nous amène à la conclusion que l'amélioration de l'éducation juridique de la population devrait être une réorganisation du système d'étude des

disciplines juridiques, ce qui, en premier lieu, est lié à la volonté d'augmenter le nombre d'heures de cours tant dans les établissements d'enseignement général que dans les établissements d'enseignement supérieur. contribuera activement à la formation d'une vision du monde juridique et d'un travail juridique utile.

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MECHANISMS OF PROVIDING INFORMATION SECURITY OF CANADA

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The issues of informative data`s protection and termination of crimes, that are committed in cyber space, are eliminated as issues of the priority tasks for every country in the world. Among the other things, Canada`s experience as the country that has significant achievements in the sphere of development of providing of information security will be useful for Ukraine, taking into account modern development of domestic legislation in the sphere of information policy.

Among the numerous mechanisms of providing of information security in Canada – "Education and Employment".

Thus, the Canadian government carefully selects candidates for the posts in the relevant departments. Their training stars at the level of collages and universities that purposely teach students to have excellent knowledge only in this branch of science. There are the most powerful institutions among them:

- Conestoga Collage, Kitchener;

- Red River Collage, Winnipeg;

- University of Toronto, Toronto; [2]

The candidat submittes an online application for taking a part in the selection of vacant post. If “the resume” is suitable it means that the potential candidates will be tested in the different situations and tasks for the six months: passing of several psychological assessments by the candidate on the post and a polygraph examination of a person to be faithful to Canada. Also, candidate`s data is checked in credit, criminal data bases and especially Canadian Security Intelligence Service (CSIS). [1]

There are some departments which provide state informative security in Canada:

1. Canada's Ministry of Public Security (Canadian Cyber Incident Response Centre);

2. Ministry of National Defense (Communications Security Establishment Canada + Canadian Military Forces);

3. Canadian Security and Intelligence Service;

Taking into consideration that the activity of any public body has to be ensured by the legislative frame work and by-laws, there is following act in Canada: The National Security Policy of Canada (Securing an Open Society: Canada's National Security Policy, 2004);

Taking into consideration all above-mentioned facts, we should add that cyber security in Canada is one of the most effective mechanisms of protection of the state's information space, which undoubtedly is worth of studying of their experience in the direction of improvement of the mechanisms of providing of information security for our country.

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THE DISTRIBUTION BETWEEN THE CONCEPTS OF "STATE AID" AND "STATE SUPPORT"

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In the scientific literature, the notion of "state aid" and "state support" is often identified without the need for an analysis of their content and correlation with each other. In this regard, D.V. Lichak notes that quite often the two concepts of "state aid" and "state support" unreasonably identified in the scientific literature. The author concludes that these concepts are not identical. She believes that state support is a set of economic, organizational and legal mechanisms, through which state entities provide business entities financial, organizational, informational and material-technical support. This support promotes creation of conditions for the formation and development of economic entities in various sectors of the national economy. Support is also a mechanism that stimulates business entities to rational and economically sound business, directs the development of entrepreneurship on the basis of competition [1, 407, 410]. Thus, unlike state aid, state support involves the use of organizational, administrative or other measures but does not include direct funding (cash assistance). It is this criterion, according to D.V. Lichak, that is necessary to distinguish between the concept of state aid, within which direct financing is provided, and state support, which includes organizational and administrative mechanisms of assistance.

In the European practice of state regulation, the notions of "state aid" and "state support" are clearly distinguished. The first concept describes the use of state resources to promote the development of individual enterprises, and the second

concept includes means aimed at the development of the economy as a whole, which does not create privileges for individual enterprises. Such a distinction between concepts is appropriate, but economic methods and instruments of state regulation must be taken into account. Many scholars are adherents of this view and point to the need for a legal settlement of these two terms.

T.V. Nekrasova in her monograph gives the following definition of state aid to economic entities: financial, organizational or other assistance, carried out in relation to economic entities by specially authorized bodies of state power or local self-government in order to achieve relevant economic and social goals, as well as ensuring sustainable development of the economic and / or social sphere [2, 27]. But the term "assistance" embodies means that are aimed at creating the appropriate conditions for the implementation, fulfillment of anything, the desire to perform any action. This term should nevertheless refer to the content of "state support".

However, the immediate analysis of the legislative definition of the term "state aid" leads to the conclusion that the legislator actually identifies it with the notion of "support". Thus, according to the Law of Ukraine "On State Aid to Business Entities" (hereinafter - the Law) [3], state aid to economic entities is the support in any form of economic entities at the expense of state resources or local resources, which distorts or threatens to distort economic competition, creating preferences for the production of certain types of goods or the conduct of certain types of economic activity. Consequently, as follows from the content of the aforementioned norm, the notion of "state aid" is defined by the concept of "support". Moreover, it is indicated that state aid is not a kind of special form of support, but "support in any form", which clearly indicates the identification of the studied concepts. Meanwhile, it should be noted that the Commercial Code and other legislative acts use the term "state support".

Thus, the analysis of the current legislation gives grounds to consider that the provisions of the Law of Ukraine "On State Aid to Business Entities" and other legislative acts, regulating these issues, should be brought into conformity.

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L'IMPORTANCE ET L'ACTUALITÉ DE LA FORMATION JURIDIQUE DE LA JEUNESSE EN UKRAINE

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La formation juridique est une part importante et inaliénable de développement d'une société moderne, son importance et actualité peut être distingué de son but. Le but de la formation juridique est une vision idéalistique d'une société avanceé, la création de l'idée de la justice chez la jeunesse, de l'importance de suivre les lois bénévolement, de la capacité de prendre les décisions, qui ne contraissent pas la loi.

La définision de la formation juridique faite par Manuilov consiste à l'action de l'école, des universités, des organes d'état qu'est visée à la création des competences juridiques, des connaissances spéciales et du sentiment de la vertu.

L'enjeu primordiale de la for,ation juridiaque, suivant Manuilov, est la créqtion de respect aux lois et aux régles du droit, aussi de former une société des citoyens actifs qui sont prêts à aider leur état à progresser.

L'un des chemins les plus importants de la formation juridique est l'action des universités. Il est évident que le source d'une société juste est la culture juridique. Il est impossible de nommer une personne un spécialiste digne si elle ne sait pas

comment utiliser les régles juridiques. La base du progresse de l'humanité est la formation d'un jeun citoyen qui sait distinguer le vraie et le faux. Cépendant, une telle compétence n'est pas devellopée en un seul jour, il faut impliquer l'éducation spéciale. Premiérement c'est la formation juridique des étudiants. Afin d'éliminer les inconvénients de l'éducation juridique de la jeunesse moderne dans les établissements d'enseignement supérieur ukrainiens, il est tout d'abord nécessaire d'améliorer le système d'éducation juridique. L'un des moyens de résoudre les problèmes d'éducation juridique des jeunes dans les établissements d'enseignement supérieur ukrainiens consiste à garantir l'acquisition complexe de connaissances d'une personne par les étudiants. L'homme est le sujet de l'éducation juridique et du système politique dans son ensemble. Pour cet enseignement qualitatif, des disciplines telles que la philosophie, les sciences politiques, la sociologie et autres sont nécessaires. Un autre aspect non moins important de l'éducation de la culture juridique, selon .I. Kovalenko, c'est l'environnement juridique. L'environnement juridique est un micro-environnement très complexe, mais également un facteur très important dans l'éducation juridique des jeunes en Ukraine. L'environnement juridique est caractérisé par des relations spécifiques et des relations basées sur le comportement légal, réalisées dans le cadre juridique. Dans l'enseignement supérieur, il convient de veiller toujours à créer un tel support.

En conséquence, la formation juridique dispensée par les universités est l'un des facteurs les plus importants du développement complet de la jeunesse en Ukraine. La question de l'éducation juridique est toujours actuelle, en raison de l'existence de certaines lacunes et de la nécessité d'améliorer et d'apporter certains changements dans les formes et les méthodes de mise en œuvre l'éducation juridique des jeunes de l'Ukraine moderne.

ROLE OF WELFARE STATE IN DEMOCRATIC SOCIETY

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What do we know about a welfare state? Is this phenomenon new for legal science? When did the scientific community start talking about the notion of welfare state? Do the welfare state and democratic society exist together or are they just different categories? What does the welfare state provide for its citizens? To answer these questions could be answered through a prism of democratic society.

The definition of the welfare state comes out from the term itself: it is a state with such characteristics as well-being, safety and protection. This means that the state should help provide its citizens with employment, insurance, health care, education, social protection.

The term the "welfare state" it is not new for modern legal science. Stiglitz J.E. in his article raises the question about viability of welfare state for today [1, 24]. The creation of the welfare state was motivated by observed failures in the economy and society [1, 3]. The welfare state began to build in the aftermath of World War II. It was a period of rapid economic growth in both Europe and America, and it was a period of shared prosperity [1, 7; 2, 20]. Globalization has increased the need for a modern welfare state [1, 24].

When we talk about democratic society we first think about liberty and equality. And welfare state appreciates liberty of individuals. We need to draw a parallel between such notion as a welfare state and social democracy. Previously it was believed that social democracy was the enemy of individual liberty. The welfare state in the same way includes social justice and economic efficiency, and social democracy try to marry them [3, 5]. Also Pierson C. notes that social democracy concerns such values as social justice and social solidarity [3, 11].

The twenty-first century welfare state is about achieving the just society, and improving the well-being of ordinary citizens, because corporate interests and national interests (interests of ordinary citizens) are often markedly different. A central tenet of the 21st century welfare state is ensuring equality of opportunity, and it requires special attention to health and education, fighting against discrimination in all forms. And it is a recognized the fact that one cannot have equality of opportunity in a society with large disparities in income [1, 11-12].

Stiglitz J.E. concludes that the welfare state is not just a matter of social justice. It even goes beyond standard arguments for social justice. For those who support the welfare state, its central role is in creating compassionate individuals with social conscience the sense of solidarity with their fellow citizens [1, 24]. Today we see that welfare state has its goals to ensure social justice, equality and freedom of its citizens.

So we can say, that the welfare state is the state that cares about its citizens trying to create compassionate individuals with the sense of social justice and social equality. The welfare state plays an important role in improving societal well-being and protects the same values as a democratic society.

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HUMAN DIGNITY AS A SOURCE OF HUMAN RIGHTS

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Human dignity is recognized by a large number of states and international law as the main social value and a source of human rights, but individual cases of its violation occur every day.

Human dignity expresses the value of a person as such regardless of any of their biological or social properties. From this follows the principle of equality of all

people in terms of their dignity. Dignity is a moral feature that reflects the unique nature of man. The dignity of each person is the same, equal to the dignity of all other people. Awareness of this situation by each person leads to the formation of their self-esteem.

The development of the idea of human dignity at all times was related to man and their rights. Human dignity is interpreted as a manifestation of the nature of man, of their spiritual principle, and therefore is considered as the basis of their natural rights. As early as the era of Antiquity, human dignity was associated with the personality of man and included two components: the dignity of a member of the community and the dignity of the citizen, which led to the affirmation of the self-worth of a person as such, regardless of social status. The development of the idea of dignity derives from the dignity of the family, the dignity of the citizen as a social value and the self-worth of man was the central focus in the development of the philosophy of that time [1, 144].

The modern model of understanding human dignity arose after World War II when there was an urgent need to legalize, in a special document approved by the world community, the basic ideas and principles of the doctrine of natural law and regulations related to it. The Universal Declaration of Human Rights of 1948, the proclamation of which by the United Nations General Assembly gave impetus to the adoption of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 (hereinafter referred to as ECHR or Convention), became a fundamental document for human dignity. It is this Convention that guides the European community to respect and ensure human rights, including the right of everyone to respect their dignity. Ukraine, which in 1995 became a member of the Council of Europe, proclaimed the way of joining the European legal space and accordingly assumed international legal obligations regarding it, ratifying the ECHR in 1997. In order to strengthen the out-of-court protection of human rights to respect dignity through preventive means, the Council of Europe on November 26, 1987 adopted the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as ECPC), which is

aimed at the implementation of Article 3 of the ECHR. It defines the procedure for the creation and activities of a special institution − the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, whose task is to monitor the fulfilment of the obligations of the States Parties to the treaty Ukraine joined the ECDC in 1997, Protocol No. 1 and Protocol No. 2 to it in 2001.

The idea of human dignity is associated with the value of man and the assessment of their significance and place in society and the state. It is the evaluation moment in the form of moral or legal assessment that is a significant means of influencing human behaviour, on the basis of which is formed a standard of requirements relating to actions of people in a particular situation. These requirements become special rules of action only when they deny, first of all, the inner convictions of a person in their usefulness, value for themselves and for other people [1, 145].

Today we can conclude that human dignity allows a person to feel needed and useful to society. As a moral category, dignity is the main value that implies a respectful attitude of the individual towards themselves and, as a result, towards others, because respect for others is one of the manifestations of this quality. A society of dignified people is the development goal of any state. In public life, the dignity of a person has its manifestation – only a person who has a sense of dignity will perform assigned work responsibly, will have a sense of patriotism, will perform the duty of the state, the duty to the parents and children qualitatively.

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GENERAL CHARACTERISTICS OF THE COMPETITION OF A PART AND THE WHOLE

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Competition in criminal law has always been the subject of numerous discussions and studies. Different scholars in different ways define the concept and content of competition in criminal law, but they all agree that awareness and understanding of the rules of its overcoming are one of the main conditions and a guarantee of law enforcement. Without doubts this is one of the basic categories of criminal law, which at the same time is one of the defining factors in law enforcement activity [4].

The issue of competition between the part and the whole, in my opinion, is also an extremely actual issue, because nowadays the issue of competition between part and whole in the practice of lawyers and in the scholar field is quite acute. Awareness of this category allows considering criminal legal requirements under a different prism, which, in turn, allows us to bring law enforcement activities to a better level.

Competition of part and whole is not an accepted form of competition in the criminal legal literature. In this regard, we should consider two main points.

The first of these is to deny the need for competition in the part and the whole. Thus, V. Malkov noted that it is questionable to consider competition norms of part and whole as a type of competition. The author motivates his position by the fact that the existing connection between the norms in such cases does not satisfy the requirements for interconnection of the rules of competition, in particular, the norms that are in competition, are oriented on the settlement of the same issue [1].

Another position is based on the fact that this kind of competition has the right to exist - so some definitions of this phenomenon should be mentioned.

According to V. Kudryavtsev, under the competition of a part and the whole, there are cases where there are two or more norms, one of which covers the

committed act in general, while others are only some of its parts. At the same time, these norms, as in the first type of competition (general and special), are in relation to subordination, but not in terms of volume, but in content. In the coverage of the content of this type of competition, the author noted that the competition takes place on the basis of the object, subject, objective and subjective parties of the body of the crime, or several of them at the same time. In addition, the author proposes to take into consideration the proportion of the part and the whole thing in the cases of coercion and attempted crime and in cases of complicity [3].

The general rule for qualifying a crime in the competition of a part and the whole, according to the unanimous agreement of the scholars who share the legitimacy of the allocation of this type of competition, is that the norm, which completely embraces, with the greatest completeness, all the factual features of the deed, should always be applied. It has an advantage over the norm, which provides only part of what the criminal has committed.

The basic principle of this kind of solution to the competition of criminal-law norms of this type is obvious. The norms of the part and the whole are subordinated to the content, the advantage of which is given to the notion (norm) that most fully embodies the phenomenon (committed). In addition, such solution to the problem accords to the principle of completeness of criminal legal qualification, according to V. Navrotsky [2].

So, we can conclude that the competition of a part and the whole is only available when the norm of the whole has as a constitutive or qualifying attribute a clearly criminal manifestation of the behavior of a person. In other words, as part of a body of crime enshrined in the norm of the whole, an indication should be made of taking into account the commission of this very crime. In cases where the crime part is characterized by a form of behavior that can acquire both criminal and non-criminal manifestation (an example with deception), and the method of committing a crime become criminal manifestation, that is, a "basic" crime committed through committing another, even less serious crime , we should qualify everything by a few

different norms. Rules for overcoming competition between part and whole in such cases do not apply.

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THE ROLE OF THE EUROPEAN BORDER AND COAST GUARD AGENCY IN ENSURING OF FUNDAMENTAL HUMAN RIGHTS

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The European Border and Coast Guard Agency (FRONTEX) play the central role in providing integrated management borders at the external borders of the European Union. This activity anticipates implementation of a range of measures, one of which is the observance of fundamental human rights.

According to the Regulation (EU) 2016/1624 on the European Border and Coast Guard the realization of several components of European integrated management borders requires respecting fundamental rights. For example, border control, including measures related to the prevention and detection of cross-border crime, in particular migrant smuggling, trafficking of human beings and terrorism, as well as measures related to the referral of persons who are in need of, or wish to apply for international protection; search and rescue operations for persons in distress at sea; return of third-country nationals who are the subject of return decisions issued

by a Member States, etc. (Art. 4) [3]. In this regard FRONTEX has created a control mechanism that allows it to monitor the agency's operations, to analyze the activities of the border guards, to identify human rights violations and to take measures aimed at preventing and restoring fundamental rights.

Over the last few years, several EU acts have been adopted concerning the enforcement of human rights in the process of integrated border management. Among such legally binding documents we shall note the above-mentioned the Regulation (EU) 2016/1624, the FRONTEX Codes of Conduct, the Common Core Curricula for border guards and so on. Moreover, the Agency drew up the fundamental rights strategy in order to achieve the highest operational standards in the field of the safeguards of fundamental rights.

In the administrative and management structure of FRONTEX, there are four main bodies: the Management Board, the Executive Director, the Consultative Forum and the Fundamental Rights Officer. The last two of which are specially created to ensure human rights along the EU's external borders.

The Consultative Forum is an independent body which advises the agency’s Management Board and its Executive Director in all fundamental rights matters. Its core areas of activities are: 1) support FRONTEX Executive Director and FRONTEX Management Board with fundamental rights related matters; 2) provision of strategic advice to FRONTEX operational activities; 3) visiting FRONTEX Operations and participation in Joint Operation VEGA Children; 4) observation of trainings and supporting the development of training materials; 5) FRONTEX cooperation with third countries [2].

The Fundamental Rights Officer plays one of the key roles in the complaint mechanism because he carries out the review of the admissibility of a complaint, registers its, then forwards all registered complaints to the Executive Director and forwards complaints concerning members of the teams to the person’s home Member State, as well as informs the relevant authority or body competent for fundamental rights in a Member State in order to ensures a follow-up by the Agency or that Member State.

So far, however, Agency's activities in respect of human rights have been rigidly criticized. M. Gkliati argues that FRONTEX's operations are particularly sensitive to human rights violations, and with the individual complaints mechanism, established in 2016, falling remarkably short of the standards of an effective remedy, accountability for FRONTEX still remains an open end [1].

Thus, the EU's legislative triangle (the European Parliament, the Council and the European Commission) is working to improve the human rights protection mechanism when FRONTEX's return operations are implemented by creating a more effective monitoring system and an effective complaint mechanism.

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PECULIARITIES OF LEGAL RELATIONS AND SPECIAL REGIME OF INNOVATION ACTIVITY

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The innovation activity increases due to the development of science and technology. In the process of scientific and technological progress innovation occupies a leading place by creating new scientific and technical ideas that, in proper using and securing by government or other subjects of innovation activity, lead to qualitative changes in society. The investment into innovation activity and its results are the newest and most profitable kind of financial activities because of its ultimate goal, which is the ability to provide competitive ability in a competitive environment, as well as due to its rapid performance and possibility to develop various types of business, as well as creation of the whole series of new ones.

Thus, financial support of innovations is recognized as the most recent form of capital investment in developed countries of the world. Because real estate gradually ceases to be the main object of investment by virtue of its own static model of profit as well as maintenance and taxation costs, if to compare to innovations.

In general, innovation is the creative process of implementing ideas, which has been manifested in the form of a new product, service, technology, form of organization, management method, changes in the quality of labor, which represent a tool to meet the needs of a qualitatively new level, have positive economic and social effects and give strategic competition the benefits to their owners. The economic growth based on innovation is accompanied by a complex structural transformation of the economy, which leads to changing of the structure of production, employment, income, prices, demand, and consumption.

Legal regulation of innovation activity is complicated becaused of its complex organization and multi-system links that begin at the stage of idea appearance and go to the final stage, that is, the release of innovative products and their implementation. That is why the innovation activity is permeated with various legal relations from different spheres of legal regulation, and therefore it is complex in nature.

From the legal point of view, scholars do not have a unified vision and support two different positions, the first group of researcers states that the legal nature of innovation is complex with prevailing economic and legal regulation, while the

second group of scientists supports the idea of regulating innovation activities by relations of civil law.

Another important feature of the legal support of innovative activity is that the issue of legislative provision arises not only at the regulatory-static level, but also in the regulatory-dynamic because the constant dynamics of innovative relations reflects the rapid development of the scientific and technical sphere. That is, in order to achieve the goal of improving of the innovation legislation it is necessary not only to fix and systematize legal processes that already exist, but also to pay attention to the development of relations that are in the process of its formation and are socially valuable.

There is a demand for a special regimen of innovation activity as it is characterized by several features, such as all-inclusiveness, systematic organization and conflict, which make it complex in nature.

Of course, the absence of a special regime for innovation inhibits the development of modern legislation especially in the context of the current development of economy. The problem of its absence only intensifies the situation of irregularity and uncertainty of innovation activity, which leads to the slow development of this branch of management. The existence of a clear and systematic legislation on innovation in Ukraine will accelerate the development of innovation processes, which in turn will give Ukrainian economy ability to develop rapidly.

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COLORIMETRIS STANDARDS IN UKRAINE NOWADAYS

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Nowadays in the International Dictionary of illumination (CIE 17.4-1987 International Lighting Vocabulary) Code transmission color (CRI) is defined as the impact of the light source on the color appearance of objects by conscious or subconscious comparison with its appearance using a standard light source. The reason for establishing this criterion is the emergence of new types of light sources. Various types of light sources have different spectral characteristics, which in the condition of the same color temperature significantly affects the color of the object.

The object of the study is colorimetry – the science that studies the methods of measuring the expression amount of color and color differences.

The subject of the study is methods of assessment for the index of color transmission.

Currently in Ukraine the existing standard is DSTU 23198-94 "Electric lamps. Methods of measuring spectral and color characteristics" [1], which provides methods to obtain CRI. Besides, we must remember that this index is a qualitative characteristic but not just an index for measurement. It should be noted that there are two methods of evaluation for the index of color transmission: the method of control colors and the spectrozonal one. The spectrozonal method is used only with fluorescent lamps.

The index of color transmission is received on the basis of spectral measurements of light sources. The main measurement quantity is the distribution of power spectral density of light.

The method of control colors. To assess the overall CRI, a set of eight samples of control colors is used, which are recommended by ICE and include all the colors having an average saturation and nearly equal in brightness. Since the spectral

characteristics of all samples are given in the standard of colors, having spectral characteristics of light sources it is possible to assess the index of color transmission.

The calculation possesses the following stages:

- the value of color coordinates obtained is compared with the equal contrast color transfer graphic ICE of 1960, and then with the equal contrast color space CIE of 1964.;
- on the basis of the results of calculation of the color coordinates in the CIE color space of equal contrast of 1964, the difference Δ^{E_i} is calculated for each control sample between the values of the investigated and the reference sources;
- for each control sample of color a special index of color transmission R_i: $R_i = 100 - 4.6\Delta E_i$ is calculated;
- the general index of color transmission is calculated as follows R_a: $R_a = \frac{1}{8}\sum_{i=8}^{8} R_i$.

The spectral zone method. Evaluation of the index of color transmission is performed by comparing the values of light flux distribution in the investigated lamps according to spectral zones with the values that are given in the standards or specifications for fluorescent lamps. The visible wavelength range is divided into 8 zones: 380-420 nm; 420-440 nm; 440-460 nm; 460-510 nm; 510-560 nm; 560-610 nm; 610-660 nm; 660-780 nm. For each zone the light output is calculated:

$$\Phi_i = \sum_{\lambda_i'}^{\lambda_i''} E_\lambda(\lambda) * V(\lambda) * \Delta\lambda_i;$$

On this basis, the total light output is received using the formula:

$$\Phi = \sum_{i=1}^{8} \Phi_i;$$

Then, the share of the luminous flux is calculated using the formula:

$$f_i = \frac{\Phi_i}{\Phi} * 100\%.$$

The results are compared with a given standard or specification.

In Ukraine there is only one standard, which was introduced in 1994 and which has 2 methods of evaluation for the index of color transmission, and one of these methods is used only for fluorescent lamps. The calculation is based on comparison

of the spectral characteristics of the investigated light source and a model sample. As the result of the research it is suggested to revise the current standard for color transmission and translate it into the state language.

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SPECIAL EDUCATION OMBUDSMAN IN THE USA

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In the United States, the institution of the educational ombudsman has been existed for a long time. This is a huge experience, an established practice that needs to be introduced in practice in Ukraine.

Education Ombudsmens are education professionals with extensive expertise in K-12 education, conflict resolution, mediation and family involvement in education. They advocate for fair processes for students in public schools. Ombudsmen speak to all parties involved to understand the problem, research applicable laws and policies, facilitate and/or mediate conversations between parents and school officials, and guide all parties towards resolution focusing on what is best for the student [1].

The role of the Special Education Ombudsman is to serve as a resource to provide information and support to parents, students and educators regarding special education rights and services. Appointed by the Commissioner of Education, the ombudsman performs duties that include serving as a source of information for parents, students, educators and interested members of the public that helps them better understand state and federal laws and regulations governing special education. The ombudsman also provides information and support to parents of students with disabilities to help them understand and navigate the process for obtaining special education evaluations and services.

The duties of the Special Education Ombudsman will include, at a minimum, the following:

- Provide information and support to parents of students with disabilities to help them understand and navigate the process for obtaining special-education evaluations and services;

- Provide information and communication strategies to parents and school districts for resolving disagreements concerning special-education issues, and to educate parents on the available options for resolving such disputes;

- Identify any patterns of complaints that emerge regarding special-education rights and services and recommend strategies for improvement to the Department of Education;

- Assist the Department in creating public information programs that educate parents and the public about the ombudsman's duties;

- Serve as a resource for disability-related information and referrals to other available programs and services for individuals with disabilities, including early intervention and transition to adult life [2].

The ombudsman will make an annual report to the State Board of Education and the Commissioner of Education that includes a summary of the services the ombudsman provided during the year, along with recommendations concerning the state's implementation of special-education procedures and services.

It should be noted that in Ukraine, at the moment, the institution of educational ombudsman has not been studied in full volume. In order to ensure the work of this institute in Ukraine, it is necessary to study in detail the practice of the countries that are moving in this direction. US practice in this direction deserves due attention.

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KONZEPTION DER DEUTSCHEN HOCHSCHULBILDUNG

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In Deutschland bezieht sich die dominierende Konzeption der Bildung im Hochschulbereich auf die Universitäten, die zugleich den großten Anteil der Studierenden ausbilden. Sie ist aus kultureller Sicht stark wissenschaftlich und ideell ausgerichtet und basiert hauptsächlich auf neuhumanistischem Gedankengut, das auf die damaligen, kleinen, elitären Universitäten ausgerichtet war. In der Folge besteht ein Dualismus zwischen Persönlichkeitsentwicklung durch Beschäftigung mit Wissenschaft und Berufsqualifizierung. Faktisch wird heute zwar eine überwiegend kognitiv ausgerichtete, wissenschaftliche Ausbildung an Universitäten vermittelt, die in der Regel der Berufsqualifizierung dient, das Humboldtsche Ideal und die wertende Unterscheidung zwischen Wissenschafts- und Praxisorientierung haben jedoch ein erstaunliches Beharrungsvermögen im gesellschaftlichen Gedankengut gezeigt. Sie kommt heute beispielsweise weiterhin in der geringeren Wertschätzung der anwendungsbezogenen Fachhochschulen gegenüber den wissenschaftlichen Universitäten zum Tragen [1].

Dieses exklusive, ausschließende Bildungsverständnis zeigt sich strukturell in der traditionellen Abschirmung der Universitäten gegenüber gesellschaftlichen und wirtschaftlichen Einflüssen, durch die bei strikter inhaltlicher Zurückhaltung durch den Staat die Wissenschaftsautonomie gesichert werden soll. Mit der Betonung der Wissenschaft geht zugleich eine hohe Produktorientierung im deutschen Studium einher. Hier wird im Allgemeinen die Beschäftigung mit Wissenschaft an sich als Ziel gesehen. Dieser werden in der Folge sowohl der anschließende praktische Nutzwert als auch der eigentliche Lern- und Wissensvermittlungsprozess untergeordet. Dies bringt zugleich eine ausgeprägte Hol-Schuld der Studierenden im Universitätsstudium mit sich, die nicht zuletzt auf der ideellen Grundlage der Lernfreiheit basiert.

Während die Universitäten in ihren Strukturen stark von dieser Bildungskonzeption beeinflusst sind, sind die Fachhochschulen mit ihrem traditionellen Praxisbezug insofern davon berührt, als ihre berufsorientierte Ausbildung oftmals gegenüber der wissenschaftlichen, universitären Ausbildung geringer eingeschätzt wird. Ansonsten gilt für die Fachhochschulen vielmehr ein praxisorientiertes Bildungsverständnis, das auf den Einbezug wirtschaftlicher und gesellschaftlicher Bedürfnisse in ihrer Aufgabenerfüllung ausgerichtet ist und den Lehr- und Lernprozess, nicht zuletzt durch strukturierte Studiengänge, betont.

In den USA ist hinsichtlich der vorherrschenden Bildungskonzeption eine ausgeprägte Praxisorientierung in der Ausbildung zu erkennen. Diese bezieht sich auf die jeweilige Zielsetzung des Studiums. In struktureller Hinsicht äußert sich dieses inklusive Bildungsverständnis in der Verbindung der Hochschulen mit Wirtschaft und Gesellschaft, beispielsweise durch die Besetzung der „boards of trustees," die starke service-Orientierung ameri-kanischer Hochschulen oder die teilweise enge Zusammenarbeit mit Unternehmen in Forschung und Entwicklung. Für die Hochschulen in den USA geht damit zugleich eine starke Dienstleistungsorientierung einher, die auf eine Entsprechung der an sie herangetragenen externen Anforderungen ausgelegt ist. Diese kommt in Bezug auf die Studierenden in einer Bring-Schuld der Hochschulen zum Ausdruck, die sich nicht nur auf akademische Belange, wie strukturierte Studiengänge, gute Lehre und gute Studienbetreuung, bezieht, sondern auch auf die Bereitstellung anderer Serviceleistungen im Rahmen des Campus-Lebens, wie zum Beispiel Ge-sundheitsdienste, Infrastruktur für Freizeitaktivitäten oder auch Jobvermittlungsbüros.

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REALIA AND THEIR CLASSIFICATION

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In the late 1970s, translation studies began to be taken seriously by linguists and translation theorists as a mean to give a guide for a proper and suitable translation. There appeared different methods of translation and in the late 1970s the linguistic approach of translation was substituted as the originally dominating word-for-word method was largely obscured for readers. Instead, the dynamic equivalence was put forward by Nida, which marked a new advance in translation studies. "From his point of view, translation should vary for the sake of different readers. Famous Chinese translation theorist, Ye Zinan began to throw away the simply literal translation and took the different social background into consideration. He paved a way for the cultural approach in translation studies. In the 1990s, *Translation, History and Culture* co-authored by Susan Bassnett and Andre Lefevere attached great importance to the role of culture in translation, the social background, the influence that cultural tradition imposed on translation, the subjectivity of translators and researching shift from linguistic to culture, thus improving the literariness of translated texts" [4, 487-494.].

As different countries have different cultures, the translation studies have many problems connected with translation of realia (words and expressions naming cultural-specific material elements). The translator has to be fluent in reading the cultural connotations of the target language in order to render them adequately into the source language, which implies interpreting the realia of the target language by means of the source language [1, 105-107]. In our paper we research the problems of translating the realia of Stephen King's novel "Joyland".

Stephen King (born September 21, 1947, Portland, Maine, U.S.) is an American novelist and short-story writer whose books were credited with reviving the genre of horror fiction in the late 20th century. In his books King explored almost

every terror-producing theme imaginable, from vampires, rabid dogs, deranged killers, and a pyromaniac to ghosts, extrasensory perception and telekinesis, biological warfare, and even a malevolent automobile [2].

Joyland was published by Hard Case Crime in 2013. The first edition was released only in paperback, with the cover art created by Robert McGinnis and Glen Orbik. A limited hardcover edition followed a week later. The novel was translated into Ukrainian by Olena Liubenko and published by *KSD* in 2014. In Russian *Joyland* was published by *AST Publishers* in 2014, the novel was translated by Victor Veber [3].

Employing the entire choice method, we have found 91 realia in the original text and accordingly singled out the same number of the Ukrainian and Russian equivalents. The realia include such types as:

- Geographical, e.g. *Georgia, Rocky Mount, Coney Island*;
- Ethnographical, e.g. *Dust Bowl days, hundred and seventy feet, hula*;
- Political and social, e.g. *OPEC, Red Cross life-saving certificate, YMCA.*

The classification of realia is important because the type of realia is connected to the method of translation. Dividing realia into thematic groups specifies the perspective of analysis.

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TO THE ISSUE OF LIQUIDATION OF LIMITED LIABILITY COMPANIES IN UKRAINE

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In 2018 there was a significant event in Ukraine – new Law of Ukraine "On Limited Liability and Additional Liability Companies" was adopted and came into effect. From 1991 till 2018 relationships concerning limited liability companies were regulated by Law of Ukraine "On Business Companies"[2] and by the Economic Code of Ukraine [1].

What significant, but predictable, is that the new Law of Ukraine "On Limited Liability and Additional Liability Companies" implements several novels, including the issues of liquidation of limited liability companies.

Due to the new Law of Ukraine "On Limited Liability and Additional Liability Companies", there are several cases of liquidation of limited liability companies, and the most controversial, in my opinion, is the clause of part 2 of article 23 of this Law [3].

This clause regulates the situation of death, the announcement by a court a member-physical entity missing or dead, or the termination of a member-legal entity whose share in the authorized capital of a company is more than 50 per cent and if during the year from the date of expiration of the acceptance of the inheritance established by the legislation, the heirs (successors) of such participant did not submit an application for membership according to the legislation.

Due to the provision cited above, in such situation the company may take decisions related to the liquidation of the company, without taking into account the votes of this participant. What is controversial and not correct that there is no other way to solve the situation.

I think that it is not correct to oblige the remaining existing members to liquidate the limited liability company if they still want to leave the company to function.

In my opinion, there can be found another ways to decide such problem as in the case of liquidation of limited liability company not only the members of such limited liability company can suffer losses, but also its counterparties.

I think that in such situation it would be better to give remaining members an opportunity to take decision on exclusion of such member, as in the case when the share in the authorized capital of a company of such member is less than 50 per cent or a decision on liquidation of the limited liability company, if they have such will.

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DEFINITIONS OF LEGAL MONITORING

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The term "monitoring" is often used by modern legal scholars when considering a wide range of legal relationships: in ecology, economics, biology, medicine, when characterizing man-made, political, social processes, i.e. practically in any sphere of human activity, and is used not only in the practical activity of subject specialists, but also in the texts of legal instruments [3, 4].

The modern definition of monitoring and comprehension of its application results provide the basis for considering that this notion is most often used when it

comes to carrying out a number of specified actions or some mixed activities conducted on the basis of both theoretical and practical developments, which are united by the term "Monitoring" and serve to clarify the situation in one or another field of practice. At that, traditional cognitive means are used - observation, research, comparative analysis, verification, control, etc [4, 267].

Monitoring performs many functions, in other words, it uses all research methods. A partial and sample analysis is used, at which the task is initially set and the assignment is established in advance. As a result, monitoring keeps track of the gradual observation and control process.

As a result of legal monitoring, legal expertise, legal experiment and comparison the facts are obtained. The fact in science is possible in projections, while in monitoring it is considered reliable and corresponds to all parameters. The fact in monitoring should meet the established criteria.

According to M.E. Glazkov, legal monitoring is a regular, complex analytical activity, which includes observation, analysis, generalization, evaluation of information on the quality of the adopted and the existing normative legal instruments, the practice of their application, the development of proposals with regard to elimination of the identified weaknesses in rulemaking and law enforcement, forecasting the development areas of legal regulation of the relevant social relations sphere [1, 55].

I.Onishchuk investigated the advantages and disadvantages of the definitions of legal monitoring by performing their analysis and comparative characteristic. In scientific legal sources, legal monitoring is defined as a control and a cognitive method, as well as a system for observing, control, evaluating, forecasting the state and dynamics of legal processes. It is a system of collection, analysis and generalization of information on the state of legislation; it acts as an observation system for the purpose of analysis and evaluation of the quality of legal and normative instruments and their efficiency. It is considered as information and evaluation institute, operating at all management stages and is reflected at all stages of the emergence and effect of law [2, 12].

The specified definitions do not contradict with each other, but rather supplement each other. It can also be stated that legal monitoring is used as a control, analysis, evaluation and forecasting of normative and legal instruments.

Legal monitoring is an instrument for strengthening the fundamental rights and freedoms of citizens, serves to improve the quality of lawmaking activities, and to increase the legal culture of society. The aim of legal monitoring is to overcome legal nihilism and to ensure the unity of the legal field reducing the collisions and gaps.

The above facts testify to the paramount importance of establishing a clear system of legal monitoring structures and bodies on a nationwide scale.

In addition, currently, due to the lack of regulatory support difficulties arise while implementing legal monitoring. For the effective work of the legal monitoring institutes it is necessary to regularize its content and procedure at the normative level.

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THE ESSENCE FUNCTIONING OF BLOCKCHAIN TECHNOLOGY AS A NECESSARY ELEMENT IN UNDERSTANDING THE CRYPTOCURRENCY

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Cryptocurrency should be considered not only like a currency, but also like a technology. The essence of cryptocurrency as a technology is that it is a system protocol – a widespread concept in programming, denoting a basic set of software instructions that allow computers to communicate with each other. The cryptocurrency protocol operates on a network of computers owned by many people in different parts of the world and supporting its blockchain and cash settlement system.

The ingenious simplicity of this new technology is that by eliminating the need for an intermediary, it supports an infrastructure in which strangers can do business with each other.

This is achieved due to the fact that the most important function of maintaining accounting registers is transferred from centralized financial institutions to a network of autonomous computers that form a distributed trust system that is not controlled by any single institution. At its core, cryptocurrencies are built on the idea of a universal and secure accounting register, open to the promise of use and constantly monitored by high-performance computers that operate independently of each other. Theoretically, this means that we no longer need banks and other financial intermediaries to guarantee the necessary level of trust between the participants in the transaction.

New technologies that have appeared in the world, in many respects change the traditional approaches, including in jurisprudence. In the 2015 World Economic Forum was made a forecast that by 2027 10% of the global gross domestic product will be concentrated on blockchain-based technologies.

The creation of the blockchain is associated with the anonymous author Satoshi Nakamoto, the man who developed the blockchain protocol. In 2008 he published the article "Bitcoin: a Peer-to-Peer Electronic Cash System" and developed the following blockchain system rules:

1. New transactions are sent to all nodes.
2. Each node merges incoming transactions into a block.
3. Each node tries to select a block hash that satisfies the current complexity.

4. Once such a hash is found, the block is sent to the network.

5. Nodes accept this block only if all transactions in it are correct and do not use the money already spent.

6. The nodes express their agreement with the new data, starting to work on the next block and using the previous hash as new source data.

In blockchain technology, data is structured in the form of chains of blocks, and the consensus is achieved on a competitive basis and is based on Prof of Work.

Proof of work can be defined as a performance of work, based on the need to perform any task that can be verified by the other party. Each entry (transaction) is assigned a cryptographic identifier (hash), which is added to the header of the next transaction entry. Thus, each of the records of previously conducted transactions contains data on all previously conducted transactions.

At the same time, participants have their identical copy of the registry, and any changes are visible instantly. Using cryptography contributes to secure data storage.

The blockchain effectively preserves data, but by itself, it does not ensure the accuracy of the data since they are also entered by users (but there are still verification mechanisms).

Users create records, and special party - miners, check them and group them into blocks, after which they try to calculate the key to this block by means of powers.

Having completed this task, the miner includes the information received in the block, thereby ensuring its accuracy.

Digital signatures in the blockchain are based on cryptography. There are 2 keys. The first one – the private key – is needed to generate digital signatures and is kept secret. The second, the public key, is used to verify the electronic signature. The public key is actually calculated on the basis of the private key, but the inverse transformation requires a huge amount of computation impossible in practice.

So, the main features of blockchain technology:

1. Decentralization;

2. Anonymity;

3. Autonomy;

4. Using cryptography;

5. Supplement of the special timestamps to each transaction.

According to L.A. Novoselovoy, blockchain is a computer technology built on a special encryption system, in fact, an information base that is built on the principle of adding blocks.

Thus, the understanding of the functioning of the blockchain technology is a necessary step towards understanding the essence of cryptocurrency and the further development of technologies. It is of fundamental importance that new technologies are in the service of law and are a flexible tool in achieving the objectives of the development of the information society.

EUTHANASIA: ADVANTAGES AND DISADVANTAGES

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In recent years, disputes over the admissibility, justification, ethics of euthanasia, and even its legal implementation (“legalization”) have become more active. The discussion was encouraged by adoption of special regulations which not only allow euthanasia, but also regulate the conditions for its realization by health professionals. Nowadays, the issue of euthanasia is of international significance. The question of whether euthanasia is a mercy killing remains unclear [1].

The idea of euthanasia originated a long time ago. However, health professionals are increasingly willing to use this practice, when the patient asks for death. How do we treat this trend? The issue of euthanasia has many aspects: biomedical, legal, moral and ethical, religious and others [3]. The problem of euthanasia became especially acute in recent decades, when medicine achieved unprecedented results in the field of resuscitation, transplantology, rehabilitation of

comatose patients, and got ahead in developing new methods of life support and establishing the criteria for death coming.

The issue of euthanasia has always been reduced to several aspects: the human right to choose to live or die; the right of the person who chooses death with the help of health professionals [4]. Medicine advances put a set of questions, the answers to which have not yet been found. Does a person have the right to dispose of his/her own life and refuse of medical care in the case of an incurable disease? If a patient has this right, can a health professional, whose duty obliges him/her to fight the disease and to preserve the life, comply with the patient's request? Is it legitimate and humane to refuse terminal ill patient to end his/her suffering? This is not a complete range of questions that all the researchers of euthanasia face [5].

Proponents of euthanasia believe that the following advantages exist:

1. A person has the right to die. Every person has the right to control his/her body and life, so people should be able to dispose of when and how to die. Death is a personal right of everyone and the state should not interfere with this right.

2. Humanity of the method. Euthanasia is a relatively painless process, so this type of death is considered the most humane.

3. The distribution of medical resources. Terminal ill patients are provided with large resources, while patients who can be cured do not receive the necessary drugs.

The opponents agree with the disadvantages of euthanasia:

1. Violation of the will of God. God gave life and only God can dispose of it, determining the moment when its end will come and how it will happen.

2. Medical malpractice. When a medical professional makes an incorrect diagnosis, the patient may ask about euthanasia, although in this situation his/her life could be saved.

3. Crimes committed under the guise of euthanasia. In this case, we are talking about incitement to make a decision on euthanasia or the murder for mercenary motives by relatives or other people interested in the death of the patient.

4. The deterioration of medicine progress. In this case, it is the development of medicine that makes it possible to hope for a positive outcome in the treatment of patients.

I am opposed to euthanasia and I guess it is unacceptable to legalize euthanasia because of serious disadvantages. Moreover, euthanasia entails negative consequences including death that significantly prevail over the advantages. The problem of euthanasia is highly debatable, both locally and internationally. In my opinion, medicine should evolve, thereby minimizing the level of incurable diseases.

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LEGAL REGULATION OF VEHICLE EXCISE DUTY

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By far the most significant ‘environmental’ taxes in the UK (and virtually all other countries) in terms of revenue raised are on motoring—in particular, taxes on petrol and diesel, but also taxes on car ownership.

Road transport is responsible for many environmental and other spillovers, the most costly of which is congestion. Others include accidents (the annual death toll on the roads is about 2,600 in the UK2 and well over 30,000 in the US3), local air pollution (carbon monoxide, nitrogen oxide, and particulates), noise pollution, harm to the landscape and biodiversity, and greenhouse gas emissions (cars are responsible

for 13% of the UK's carbon dioxide (CO2) emissions, with other forms of road transport responsible for a further 9%.

That VED has been a highly effective and successful policy tool both in raising revenues for the government to part-fund transport expenditure, but also in incentivising the uptake of greener, more efficient vehicles across the entire motorparc. Over the last decade, tighter levels of regulation at the European level have forced the UK automotive sector to become more stringent in addressing the levels of CO2 emitted by its vehicles.

There are two key national aspects of the system of taxation applied to motoring in the UK; vehicle excise duty (VED) and hydrocarbon oil duty (also known as fuel duty). These two taxes affect the majority of motorists' ownership and use of vehicles and raise a significant share of the revenue generated from motoring. However, there are a number of other national taxes on motoring which affect specific groups. Company car tax, under which employees and employers' company cars are taxed through the income tax and NICs systems as a benefit in kind, is one such example. Additionally there are some localized charges on road usage, such as the London congestion charge and the M6 toll, and a series of selected incentives and grants in place to support the uptake of specific types of motor vehicles and development of associated infrastructures. VED is a national tax levied annually on the ownership of road vehicles.

The UK automotive sector is diverse with more than 40 companies manufacturing vehicles, including 11 of the world's global vehicle and engine manufacturers. With the significant presence of premium and luxury producers, such as BMW, Jaguar Land Rover, Bentley and Aston Martin as well as niche vehicle producers, the UK is the world's second largest producer of a wide portfolio of premium and luxury vehicles. The UK is also a significant global player in advanced propulsion systems. For example, the UK produces a third of all engines for Ford worldwide and has significant expertise focused on the design and manufacture of engines.

Another feature of a good tax regime is fairness and enabling equality of access and opportunity for all. This means applying the same principles across different groups: if movement to lower-emissions vehicles is encouraged in cars, it should also be applied to light commercial vehicles (LCVs/vans). Neither should certain groups have to shoulder disproportionate shares of the overall fiscal burden. Diesel vehicles have been encouraged through the VED regime due to their lower CO2 emissions; now they are to be treated more restrictively than petrol vehicles in a new London ultra-low emission zone. Policy must seek to resolve such contradictions within a technology and specification neutral context.

VED has played and will continue to play a prominent role in the overall motoring taxation model. Whilst lower CO2 emissions and increased vehicle efficiency are undoubtedly a positive result, over the longer term, it presents a challenge for the government in the form of an unsustainable revenue base. With the advent and uptake of new technologies, consumers are expected to shift away from conventional petrol and diesel fuelled vehicles, also impacting upon future fuel duty revenues.

PARTIES TO THE LEASE AGREEMENT OF A LAND PLOT UNDER THE LEGISLATION OF UKRAINE

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Land, which is owned by citizens, legal entities, communal or state property, may appear to be leased by owners.

According to Article 1 of the Law "On Land Lease", the lease of land is a fixed-term paid ownership and use of the land plot necessary for the tenant to conduct business and other activities based on the contract.

Land legislation states that the parties to this contract are the landlord and tenant.

Landlords in accordance with Article 4 of the Law of Ukraine "On Land Lease" are:

1) landlords are landlords and citizens and legal entities in whose ownership the land is located, or persons authorized by them.

2) landlords who are in communal ownership are rural, settlement, city councils within the limits of powers determined by law.

3) landlords of land owned by the joint ownership of territorial communities are rayon, oblast councils and the Verkhovna Rada of the Autonomous Republic of Crimea within the limits of powers determined by law.

4) the landlords of the land plots in state ownership are the executive authorities, who, in accordance with the law, transfer the land plots into ownership or use.

5) the landlord of the land plot included in the inheritance, in the absence of heirs by will and by law, removal from the right to inheritance, rejection of their inheritance, as well as refusal of its adoption after the expiration of six months from the date of the opening of the inheritance, is a person , which manages the inheritance.

Tenants of land plots are legal entities or natural persons who, on the basis of the lease agreement, own and use the land plot.

In accordance with Article 5 of the Law "On Land Lease" tenants of land plots may be:

a) district, oblast, Kyiv and Sevastopol city state administrations, the Council of Ministers of the Autonomous Republic of Crimea and the Cabinet of Ministers of Ukraine within the limits of the powers determined by law;

b) village, settlement, city, district and oblast councils, and the Verkhovna Rada of the Autonomous Republic of Crimea within the limits of powers determined by law;

c) citizens and legal entities of Ukraine, foreigners and stateless persons, foreign legal entities, international associations and organizations, as well as foreign states.

This agreement applies to bilateral agreements. That means that the tenant and the landlord granting rights and obligations. One of the main responsibilities of the landlord is the transfer of land for lease.

Conclusions

A land lease agreement is a contract by which the landlord is obliged to transfer the land plot to the tenant at a charge possession and use for a certain period, and the tenant is obliged use the land plot in accordance with the terms of the contract and requirements of land legislation.

Land plots owned by citizens, legal entities, communal or state owned property may appear to be leased by owners. In order for the contract to be valid, it must comply with all legal requirements and the order of the conclusion provided by the legislation of Ukraine.

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INTERNATIONAL LEGAL REGULATION OF THE EU MEMBER STATES IN THE SPHERE OF STANDARDIZATION AND CERTIFICATION OF ORGANIC PRODUCTION

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Organic production is an overall system of farm management and food production that combines best environmental and climate action practices, a high level of biodiversity, the preservation of natural resources and the application of animal welfare standards and production standards in line with the demand of a growing number of consumers for products produced using natural substances and processes. Thus Organic production plays a dual societal role, where, on the one

hand, it provides for a specific market responding to consumer demand for organic products and, on the other hand, it delivers publicly available goods that contribute to the protection of the environment and animal welfare, as well as to rural development [4].

Certification has always been an important signal of the quality of products or services. Certification systems provide a new perspective of improvement in the worldwide market. The main role of labeling is to have a common understanding of the product and identify its features and qualities. Labels claim to provide information about characteristics of these products, which consumers cannot directly observe but which many of them consider desirable. Labeling, however, differs according to the specific field and its standards [2].

Standardization also helps to reduce transaction costs by creating a common and identifiable definition of the term "organic". In the case where many standards prevail in the market, consumers must spend time determining the standard(s) that they prefer. In this regard, a single standard would reduce consumer confusion and may encourage increased participation in the organic market. In a similar way, reductions in transaction costs also apply to importers, as a single standard would eliminate the need to verify numerous certification standards [5].

Organic farming and production has been regulated at the EU level since 1991. Today the European requirements for organic production are set by the Council Regulation (EC) No 834/2007 defining the aims, objectives and principles of organic farming and production, and by two implementing regulations (No 889/2008 and No 1235/2008) detailing the organic production, labelling, control and import rules. All products labelled as organic and sold in the EU must be produced in accordance with these regulations.

The IFOAM EU is the European umbrella organisation for organic food and farming. It fights for the adoption of ecologically, socially and economically sound systems based on the principles of organic agriculture – health, ecology, fairness and care. With more than 200 member organisations its work spans the entire organic

food chain and beyond: from farmers and processors, retailers, certifiers, consultants, traders and researchers to environmental and consumer advocacy bodies [1].

So, studying the experience of legal regulation of certification and standardization of organic agricultural products in the EU has an important theoretical and practical significance for our state. And first of all, taking into account the need to adapt the national legislation of Ukraine to the EU legislation in the relevant sphere, as well as due to the need to improve the legal regulation of the relevant relations in the national market (currently, Ukraine ranks 21st among the world leaders in the organic movement, further rapid development of organic production in the country slows down the incompleteness of the legislative and regulatory framework of state policy in the sphere of organic production, including the formation of a national certification system).

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MEASURING THE RULE OF LAW: VALUE FOR CRIMINAL PROCEDURE

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Measuring rule of law (hereinafter RoL) has an important meaning for legal system, because shows the main problems in the RoL field. The methods of assessing the observance of the RoL can be used to specify the elements of the RoL in the analysis of the observance of the RoL in criminal proceedings and the resolution of other scientific problems and problems associated with the RoL as the basis for criminal proceedings.

A measurement revolution has taken place in the fields of governance, justice, and the RoL. Not only the quality and amount of available data have exponentially increased in the past two decades, but more importantly, the knowledge about precisely how to effectively use these data to advance reform in the field has greatly improved. Nonetheless, this knowledge remains buried in the hands of a handful of experts scattered around the world; it has not been fully internalized by the RoL community, and it remains largely ignored by government reformers in all corners of the world today [1, 5].

Many international organizations are involved in measuring the RoL, such as the World Bank, the Heritage Foundation, Freedom House, and the World Justice Project (WJP).

But, as Mila Versteeg and Tom Ginsburg show, the various indicators build very different substantive values into their definition of RoL. For example, the World Bank's World Governance Indicators RoL index is focused on the absence of crime as well as the security of persons and property. By contrast, the Heritage Foundation's index is focused on the protection of private property and the absence of corruption, while the Freedom House index heavily emphasizes civil liberties and equality. The WJP's index uses the most comprehensive definition, combining rights,

crime and security, the absence of corruption, and informal justice into a multi-dimensional indicator [2].

In the area of social research, including those relating to criminal proceedings, the most influential research on the rule of law principle is the Rule of Law Index, which is being conducted by the International Organization of World Justice Project (WJP). The WJP Rule of Law Index 2017–2018 presents a portrait of the RoL in 113 countries by providing scores and rankings based on eight factors: constraints on government powers, absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice, and criminal justice [3, 5]. According to this report, Ukraine ranked 77th in the overall ranking of the Rule of Law Index from 113 countries surveyed and refers to countries with a weak RoL [3, 21] and 83th place in the rating on the factor of «criminal justice» [3, 43].

As a conclusion we would like to note that, despite a number of problems in the field of measuring the RoL, data from studies on the measurement of the rule of law give a large amount of information to deepen and refine the research in the area of the criminal procedure.

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IMPLEMENTATION OF E-CUSTOMS IN UKRAINE

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Nowadays, “E-Customs” is a multifunctional integrated system that exists in the customs authorities of the country and combines information and communication technologies and a set of mechanisms of their application and provides an opportunity to improve the quality of customs regulation and improve customs administration in order to ensure the customs security of the state by [2; 4]:

- technological support of the continuous bilateral flow of electronic information from the bodies of state power, subjects of foreign economic activity, customs administrations of other states to the customs administration of the country, its accumulation and processing;

- introduction of the newest procedures for automation of customs control and registration processes and their support; creation and technical support of organizational and technical systems for the functioning of complex automated procedures for assessing the quality of customs performance;

- information support for law enforcement activities, control over the movement of goods and other functions assigned to customs authorities.

E-customs system is one of the most important steps in the transition to a qualitatively new level of information technology that can not be implemented without switching to electronic document management.

The e-declaration procedure is available for each subject of foreign economic activity, which is registered in the body of revenues and duties. Systematic work on the settlement of issues of e-declarations by the bodies of revenues and duties and their use by other government bodies had a positive impact on the transition of enterprises from the paper to an electronic form of declaration [1; 3].

Currently, Ukraine’s customs legislation makes it possible to use e-declarations without any restrictions by all willing companies that are registered with the customs

authorities and provides a possibility of filing an e-declaration in all customs regimes without exception. The declarant only needs to have an e-digital signature. Upon request, an enterprise may obtain an e-digital key in the territorial units of the Accredited Key Certification Center for free.

Due to interaction with other public authorities, the scope of using of e-declarations is expanding, which makes the e-declaration procedure more attractive for business entities.

Thus, on the basis of issued e-customs declarations today it is possible:

- to carry out a state registration of vehicles;

- to carry out operations of removing export-import operations on currency control, selling foreign currency for enterprises to carry out settlements on foreign trade operations with goods;

- to confirm the actual export of goods outside the customs territory of Ukraine.

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THE LEGAL CONNECTION BETWEEN THE EURO AND NATIONAL CURRENCIES

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From its establishment in late 1995, the European Monetary Institute created various working group made up of experts appointed by the fifteen national central banks. The Working Group of Legal Experts was asked at its first meeting on 13 December 1995 to prepare the European regulations required for introduction of the euro and propose them to the Council of the European Monetary Institute.

An issue of particular legal concern with the move toward the new currency is the continuity of existing legal instruments after the introduction of the euro. Two fundamental questions arise. First, will the monetary change in itself affect the monetary continuity of existing legal instruments denominated in national currencies of Participating Member States or in European Currency Unit? Second, will the monetary change in any way affect the contractual continuity, or, in other words, the termination or change of certain contractual provisions, such as interest rates, or even contracts in their totality? While the monetary continuity of legal instruments governed by Member State laws is, as a general matter, confirmed by EU law[1], the continuity of legal instruments governed by non-Member State law is less clear [3, 15].

There was a need to address the problem of establishing the legal link between the euro and the national currencies during the transitional period, so as to ensure – as the Treaty required – a legally binding equivalence between the euro and national monetary units. One of the objectives of the Council regulation defining the legal framework for use of the euro was to define a legally binding equivalence between the euro and national monetary units.

The experts feared that the sheer statement of existence of a fixed and irrevocable conversion rate between the euro and national currencies would not be sufficient to achieve this. They thought that, in the absence of a legally binding mechanism that would independently ensure the immutability of the result of the conversion of national currencies into euros and vice versa, the risk of substantial fluctuations, varying from one currency to another, should not be ruled out. The outcome would have been to disorganise markets, whose assessment of national

currencies would have differed from that which would have resulted from the straightforward application of the conversion rates set on the changeover to the euro. One of the effects would have been the appearance of interest-rate differentials, the negation of a single money market [2, 238].

It started from the idea that one of the chief characteristics of a currency is its fungibility, or even its "absolute fungibility", which goes much further than the fungibility of other goods (Carbonnier, Droit Civil, Vol. 3, Les Biens, 18th edition, no. 53). Fungibility needed being construed in the monetary regulation, and so it was when legally stating that payments in one unit would discharge debts in another unit. Thus, if the euro is fungible with each national currency, the payment of 1 euro is equivalent to the payment of 6.55957 FRF or 1.95583 DEM, and monetary debts could be redeemed at such rates if the law so declared [2, 239].

As a result, the markets were reassured due to fungibility. In addition, this idea was incorporated into monetary law. It also provided a means for expressing in legal terms the principle according to which the national currencies and the euro, for as long as they had to coexist, became different expressions of an identical currency in economic terms.

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“ONCE A MORTGAGE, ALWAYS A MORTGAGE”: THE USE (AND MISUSE) OF MEZZANINE LOANS AND PREFERRED EQUITY INVESTMENTS

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Since the beginnings of English common law, property owners have used the mortgage as the principal instrument to finance real estate acquisitions, provide liquidity, and raise additional capital.

Since antiquity, property owners have used real estate as collateral for borrowing. Long before its first use in common law England, landowners were able to borrow money by using their property as collateral under the early laws of ancient Egypt, Rome, Greece, and India, the French Code of Napoleon, and ancient Israel. Property owners in England were no exception. They too used land as collateral as early as the Anglo-Saxon period.

To this day, the mortgage remains one of the most common and successful techniques to finance both residential and commercial real estate transactions in the United States. The last 25 years, however, a new (and soon to be powerful) real estate financing technique also emerged.

The ascendancy of mortgage securitizations has had a profound impact on the financial markets from “Main Street” to “Wall Street,” changing the very basics of real estate finance for first time home buyers, major financial institutions in the United States and even the global markets.

To date, courts have not had the opportunity to review the structure of these new financing techniques and it remains unclear whether courts will respect the crafty legal structures underlying mezzanine loans and preferred equity financings. These transaction documents raise certain fundamental issues and expose the simmering tension between contract and property law.

The advent of the secondary mortgage market and the "securitization" of mortgages began in earnest with the economic depression of the 1930s when large scale defaults by consumers on their home mortgages led many banks to withdraw from lending in the residential mortgage market. In response to the depressed residential mortgage market and increasing withdrawals of consumer deposits, Congress intervened in the housing finance system with a variety of legislative initiatives, including new programs and administrative agencies devoted exclusively to improving the residential mortgage loan market. These new programs included: (i) Federal Home Loan Bank System (FHLBS), (ii) Federal l Housing Administration (FHA), (iii) Federal National Mortgage Association (affectionally known as "Fannie Mae" and more prosaically as "FNMA"), the first governmental agency to make a secondary market in residential mortgages by purchasing insured mortgage loans, and (iv) by 1944, a new insurance program at the Veterans Administration (VA) to guarantee certain mortgage loans made to veterans [3].

The term "mezzanine financing" in the financial markets describes an array of financings such as junk bonds, unrated debt, unsecured notes, zero-coupon bonds, deferred interest debentures, and convertible loans. The legal structure of these financing methods varies not just by industry, but also reflects responses to unique regulatory and market concerns. Typically, however, all mezzanine financing refers to debt that is subordinate to another type or class of debt but senior to equity. Many have analogized it to a theater where mezzanine debt is the mezzanine section sitting between the orchestra (senior debt) and the balcony (equity).

In the real estate capital markets, the term "mezzanine financing" also refers to debt that sits between senior debt and the borrower's equity. In this case, mezzanine debt is junior to the mortgage loan but senior to the borrower's equity.

Mezzanine loans differ significantly with traditional loans secured by rea l estate where the mortgage borrower directly owns income producing real property. With a mortgage loan, the mortgage borrower grants a lien on its real property pursuant to a written instrument (typically a mortgage or in some states, a deed of trust), and thereafter the lender holds an effective mortgage lien on the collateral.

In addition, since there is typically no active market for the purchase and sale of the equity in the mezzanine borrower and no other bidders, the mezzanine lender often has no choice other than to bid-in and "buy" the equity at the foreclosure sale. In such a case, the mezzanine lender still has not received any cash proceeds, although after the foreclosure sale, the mezzanine lender at least has direct day-to-day control of the mezzanine borrower (and, therefore, also indirect control of the mortgage borrower and the underlying real property).

The national rating agencies usually require that the underlying senior mortgage and/or mezzanine loan prohibit or otherwise severely restrict any distributions to equity unless there is sufficient excess cash flow from the underlying income producing property.

We are now also in a new era of real estate law where lenders and borrowers structure financing transactions to resemble something other than a junior mortgage. Although mezzanine loans are secured financings, there is no direct real estate collateral. Lawyers carefully structure these financings so that the mezzanine borrower is a special purpose and bankruptcy-remote entity that owns no assets other than its ownership interest in another entity.

Although structured differently from a junior mortgage, mezzanine financing is also the intermediate level in the property owner's capital structure. In a mezzanine loan transaction, the capital structure resembles the payment priorities of traditional senior-junior mortgage financing except that the senior secured mortgage is followed by the mezzanine loan and then the borrower's equity. As with the traditional model, the senior mortgage loan in a transaction with mezzanine financing typically represents approximately 65 – 75% of the value of the underlying real property. The mezzanine loan usually brings the loan-to-value ratio of the total debt secured either directly or indirectly by the underlying real property to approximately 85-90% [22].

Since the mezzanine loan is structurally subordinated in right of payment and lien priority to the traditional senior mortgage, but is senior to the property owner's equity interests, the mezzanine loan, just like the junior mortgage, is also in the intermediate level of the borrower's capital structure.

Treating mezzanine loans, preferred equity financings and junior mortgages similarly has several benefits – it reduces transaction costs (at least prospectively), certain other hazards, and negative externalities, and it helps facilitate renegotiations, workouts and negotiated settlements if a default occurs. At the same time it gives the law greater legitimacy since the law would be treating similar transactions and all parties that are in substantively in the same position similarly. After all, the rule of law requires that similar transactions (no matter how labeled) be treated similarly.

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ACTUAL ISSUES OF INTELLECTUAL PROPERTY IN THE EUROPIAN SPACE

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Intellectual property is the world wealth that has developed as a result of creative, spiritual and intellectual work of a person (creator, author, inventor). The lively interest in a deep conceptual understanding of intellectual property objects and the creation of an effective mechanism for protecting intellectual property lies in the high social significance of this institution. It is true that the result of a serious creative or mental work of a person was protected from encroachment by other persons and gave the creator an economic benefit, as compensation for the costs of its creation.

IP law is the area of law concerned with the recognition and protection of private rights in respect of expressive and informational subject matter (intellectual products), from authorial works and broadcasts to inventions, signs of commercial origin, aspects of product appearance, and confidential information. It is most commonly conceived as a mechanism for balancing

competing rights and interests in respect of this subject matter, or as a tool for regulating access to their benefits. Included within the general category of IP rights are: copyright and related rights, referred to also as authors' rights and neighboring rights respectively; patents and plant variety rights; trademarks, geographical indications, and design rights; and certain additional *sui generis* rights in respect of information and data [2, 4].

Arguably, the economic justifications underlying the IP system enmeshes it in a paradox: while its protection enables the production of innovative and creative goods which are essential for the development of society and mankind, the exclusivity IP entails is usually a factor that prohibits or at least limits access to those goods by consumers, competitors and the public at large. On the one hand, the protection of IP is necessary for the production of innovative new medicines, scientific texts, new pest resistant or higher yield promising seeds or climate change mitigating 'green' technology relating to solar or wind power. On the other hand, it may enable the right holder to demand monopoly rents for goods protected by IP – thereby limiting access to these information goods unless of course competing goods exist which can be produced without infringing the IP rights vesting in the protected good. Even so, in the pharmaceutical field, the latter is not a guarantee for access. In the context of the issue of access to medicines, this dual impact of IP protection is well summarized in the paragraph 3 of the Doha Declaration on the TRIPS Agreement and Public Health (the Doha Declaration) where the World Trade Organization (WTO) Member States declare: «We recognize that intellectual property protection is important for the development of new medicines. We also recognize the concerns about its effects on prices». This clash between IP and public health is an issue that has come to symbolize the social tensions [1, 25].

Today there are such problematic issues in the field of intellectual property:

1) search for a balance of interests between the owner and the public (on an example of access to medicines, when the patent holder is a monopolist and sells medicines at a too high price not available to certain categories of the population);

2) the need for further European harmonization and unification of intellectual property legislation in the European space and the development of an effective system of ways to protect IP.

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DELEGATED LEGISLATION: DEFINITION AND LEGAL NATURE

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The term «legislation» comes from the Latin word lēgislātiō, which means the act of making or enacting laws; or the law or a body of laws enacted [1].

The legislative organ of every country has the power to make laws on every matter concerning the lives of its citizens and the government subject to the limitations imposed by the constitution. In England, where the doctrine of parliamentary sovereignty is propounded, parliament as a matter of principle can enact or repeal legislation as it sees fit. Whether there is a clear limitation or not, the legislature is in charge of making laws in the form of primary legislation. Any other legislation that is subordinate or auxiliary to primary legislation is known as delegated (or sometimes ancillary) legislation.

In short, delegated legislation means the exercise of legislative power by an agency that is subordinate to the legislature. This subordinate body acquires the power from the act of the legislature. Power is transferred from the principal lawmaker to the lower body, which may be the executive, cabinet, council of minister, or a specific administrative agency, by the mechanism of delegation.

Generally, delegation refers to the act of entrusting another authority or empowering another to act as an agent or representative. By the same token, delegation of legislative powers means the transfer of law-making authority by the legislature to the executive, or to an administrative agency. In line with the power granted to them by the legislature administrative, agencies can issue rules, regulations and directives, which have a legally binding effect.

The study of rule-making (delegated legislation) by the executive branch of government occupies a significant place in the administrative law due to its increasing growth, complexity and the dangers it poses to individual liberty and freedom. Scholars regard delegated legislation as a typical characteristic of administrative activity in public administration.

One of the most significant developments of the present century is the growth in the legislative powers of the executive. Measured by volume, more legislation is produced by the executive government than by the legislature. The increase in quantity and quality of delegated legislation, if not supplanted by clear procedures and effective controlling mechanisms, may ultimately result in arbitrariness and abuse of power, which in turn leads to injustice and violation of liberty. That is why it is regarded by many as a «necessary evil» [2]. It was considered a danger to the liberties of the people and a devise to place despotic powers in few hands.

However, in reality, the intricacies and complexities of modern government have proved beyond doubt that the delegation of legislative powers to administrative agencies is a compulsive necessity. In no democratic society committed to the establishment of a welfare state, the legislature monopolizes the legislative power. It will be futile for the legislature to solve the ever increasing social and economic problems, unless it shares some of its powers with the executive and other administrative organs of the state. A statute may be inexact, incomplete, and unintelligible, and may even be misleading unless it is read with specific rules and regulations made there under.

Nowadays, administrative rule-making has become a typical characteristic of the administrative law and administrative activity. The 21st century has been termed

as the age of regulation due to the increasing number of instruments issued by the executive branch of government. Most of the legislations that govern the conduct of the individual come from administrative agencies, not from the legislature.

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EMPLOYMENT RELATIONSHIP TERMINATION UNDER CERTAIN CONDITIONS: VIOLATION OF THE EMPLOYMENT PROCEDURE

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Theoretical and practical issues of relation regulation in the most important part of labour and employment law, the institution of employment contract – are the focus of scientists for many decades. Since the theoretical structure inception of the labour contract and the employer-employee relations, the employment procedure is constantly being improved. The practice of applying recruitment laws and labour relationship has also been developing. The legislative development on employment in certain areas of public life and certain categories of workers has necessitated the search for answers to complex questions that have not yet been resolved in practice. This issue is especially relevant due to modern conditions, when the labor legislation is being developed, the judicial system is being reformed and the domestic legislation is being adapted according to the EU requirements.

If we analyze Legislation labor in force on this issue, the Labour Code provides for the specifics of labor regulation for certain categories of workers without revealing the subsidiary reasons for employment relationship termination under

certain conditions can be found – article 7 (violation of the established rules for hiring policy, etc.).

In paragraph 29 of the Resolution "On the court practice of consideration of corporate disputes" No. 9 of November 6, 1992, Plenum of the Supreme Court of Ukraine clearly explained that in the case of an employee dismissal due to the employment violation rules, the decree (regulation) must necessary contain a reference not only to Article 7 of the Labor Code and also on the relevant provision of the law or subordinate act that was violated during employment.

The Labour Code of Ukraine draft (hereinafter the Code) No. 1658 of 27.12.2014 prepared for the second reading, contains Art. 104, on which this basis has a slightly different wording: employment termination in case of the employment contract rules violation. Employment can be considered as a complex procedure, in which the employment contract conclusion takes a certain part.

However, the text of Part 1 of Art. 104 of the Code draft actually reduces the problem to the fact that the employee in accordance to the law was not entitled to execute the work (hold an office), as provided by the employment contract. Thus, without specifying the objective side of this regard for labor relation termination of as a legal fact, the legislator focuses on the legal consequences of the violation, the labor relations are terminated if these violations can not be eliminated or the employment contract rule violation was the fault of the employee.

It seems that the employment procedure (conclusion of employment agreement), and the prime importance are violation concept or forms on this regard is required special research. Beyond a doubt the establishment of a clear order of employment is an objective necessity. First of all, employers and applicants for the position or performing the job are interested in the relevant legal relation subjects. In addition, the employment conditions of certain positions in the public service are whole of society interest, because it is interested in the fact that these positions were held by persons who meet the high requirements of professionalism and personal qualities. In addition, many questions are arisen applying for a job in certain spheres of activity or for certain types of work, where a special procedure is predetermined by

the job description. Therefore, the procedure violation should be payed special attention.

An additional point that the civil law is unlike, the labour law does not carefully regulate the legal consequences of non-compliance with the form of contract. These and other questions remain unanswered. Among the actual theoretical issues of this problem is the need to study the employment interaction and the accrue of labor relations; analysis of the employment mechanism in terms of its division into general and special; legal facts interaction in a complex procedure of employment; levels and methods ratio of the legal employment procedure (legislative and local legal, imperative and dispositive); legal violation consequences of the employment procedure are possible (inter alia, an employment contract or its part recognition as invalid and further legal consequences of these facts); elimination of deficiencies in the employment procedure and its legal consequences; the degree of obligation to terminate labour relations by the employer in case of violation of the employment procedure; guarantees the employees` rights or dismissed on this regard and so forth.

These issues detailed study requires a lot of effort. As a result, there are some suggestions may be proposed for improving labor legislation and its implementation practices.

EVOLUTION OF THE DEFINITION OF DISABILITY IN EU LAW

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Protecting the rights of persons with disabilities is an important part of the social policy in any legal state. And this is not surprising, given that 15% of the world's population is people with disabilities. Over the past decades, approaches to understanding disability and the place of persons with disabilities in society have changed repeatedly.

First definitions of disability started to appear in the 1970s. But it should be noted that during this period the medical model of understanding disability dominated and reflected in the disability policy and legal acts of the EU. In Council Resolution of 27 June 1974 establishing the initial Community action programme for the vocational rehabilitation of handicapped persons programme for the vocational rehabilitation of handicapped persons disability (handicap) was defined as any limitation, congenital or acquired, of a person's physical or mental ability which affects his daily activity and his work by reducing his social contribution, employment prospects, and ability to use public services. And handicapped person was defined as a person whose handicap is recognized by the authorities, with a view to rehabilitation [1].

Adopted in 1975 the Declaration on the Rights of Disabled Persons also developed its own term of 'a disabled person' which means any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities [3].

These two definitions clearly show that disabled people were perceived not normal and as being in need of rehabilitation in order to reduce gap between them and other people.

Shift to the social model of disability and developing relevant definition started after the UN Decade of Disabled Persons, which outcome was the adoption of the UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities in 1993. In this document it was stated that the term 'handicap' means the loss or limitation of opportunities to take part in the life of the community on an equal level with others and describes the encounter between the person with a disability and the environment. According to the UN Standard Rules during the 1970s the terms 'disability' and 'handicap' were not used properly and reflected medical approach, completely ignoring the need to remove barriers preventing disabled people from participation in the activities of their societies [4].

But despite the fact that social model became an important part of the EU disability policy not one of further key legal acts (including Framework Directive and Amsterdam Treaty) had the definition of disability until the United Nations Convention on the Rights of Persons with Disabilities (CRPD) was adopted. In the Preamble it was recognized that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers in society [2]. This was a significant step in providing rights of persons with disabilities because the CRPD is an international treaty and, therefore, a legally binding document for its parties.

Evolution of the definition 'disability' shows changes that occurred in the disability policy of the EU. At the beginning of this process people with disabilities were considered passive beneficiaries of help but persons who can fully take part in social life or enjoy their rights. Further, medical approach was eliminated and the main purpose of disability policy was to ensure integration of people with disabilities in society and to remove obstacles which prevent them from exercising their rights and freedoms. But the actual realization of their rights is still far from ideal. That's why the international community has to consolidate its efforts and direct them to improving living conditions and social state of persons with disabilities.

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MODERN TRENDS IN THE DEVELOPMENT OF THE PRINCIPLES OF THE INSTITUTION OF CITIZENSHIP

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Citizenship is one of the most important elements of the constitutional and legal status of a person, since the availability of citizenship depends on the person's legal personality, the nature of its relationship with the state.

Principles of citizenship is complex and multifaceted phenomenon. These principles are the basis that binds together the various components of citizenship, most fully reflects its essence as a holistic legal institution. Nowadays there are many studies of domestic and foreign scientists (L. Albertini, S. Avakian, R. Bedriy, Yu. Boyars, L. Vojevodin, O. Zhuravko, V. Kikot, E. Kozlov, O. Kutafin, O. Lotyuk , V. Melashenko, A. Meshcheryakov, A. Mironov, V. Pogorilko, V. Polyansky, N. Ryshnyak, Y. Todak, T. Slin'ko, T. Barabash, etc. It is true that such scientists made significant steps in the field of analysis of the principles of citizenship, their systems. However, in legal science to this time there is no unambiguous attitude to this problem [1, 169].

"Principles" (French pṛincipe, from the Latin principium - the beginning, basis) as the basic principles, the original ideas characterized by universality, general significance, higher imperative and reflect the essential provisions of theory, doctrine, science "The principles of citizenship enshrined in the law are the reflection of the state policy in the given sphere, they are the ideas that underlie the legislation on citizenship, the relations between the state and the person.

The principle of uniform citizenship, according to many, means that in Ukraine the existence of dual citizenship is impossible, that is, citizens of Ukraine under no circumstances may have the citizenship of another state. But in reality, not all is so simple, and in this regard a lot of questions arise.

Article 4 of the Basic Law contains the provision that there is a single citizenship in Ukraine, in Art. 2 of the Law "On Citizenship of Ukraine" of 18 January 2001. Two aspects of this principle are revealed. The first is due to the unitary nature of our state and the fact that the possibility of the existence of citizenship of administrative-territorial units is excluded. This means the impossibility of the citizenship of the Autonomous Republic of Crimea, the cities of Kyiv, Sevastopol or any of the regions of Ukraine. The second aspect of the principle of a single citizenship is connected with such a phenomenon as bi-patrism, which involves the presence of a person at the same time citizenship of two or more states. Dual citizenship may arise in a person as a result of her free expression of will, and be generated by inconsistencies in the laws of different countries regarding the grounds for the acquisition and termination of citizenship. The emergence of dual citizenship, which is the result of legislative conflicts, is primarily due to the consolidation in the law of different states of the principles of "right of the soil" and "blood rights" in obtaining citizenship by birth [2, 90].

Moreover, the main feature that distinguishes the region of a unitary state from the subject federation; there is a lack of the first right to self-organization. If the subject the federation independently defines the internal law and order, creates its own the authorities in the framework of the powers conferred upon it by the national constitution, then the internal organization of regional units of the unitary country is always established "from above" by the national law. The regions themselves can to develop and adopt their statutes; they are obliged to be approved at the central level. Differences can be traced in the form of control over regional units. In Spain, all autonomous communities are subject to control by the Constitutional Court after their adoption. They can be challenged by the head of government, people's defender, 50 deputies and 50 senators. In addition, possible and specific control, when the court

examining the case on the basis of the law of the autonomous community, may ask the Constitutional Court of compliance with the Basic Law. At the same time, the control is carried out by the administrative justice bodies in relation to the autonomous administration and its rules of procedure, and the Accounting Chamber – in terms of economy and budget. Each one the autonomous community, the government appoints a representative who manages the administration of the state on this territory [3, 114].

When considering this issue it is also necessary to take into account the migration processes taking place in the world. One of them the means of completing the integration process of migrants in the receiving State is to acquire them the nationality of that stimulates the spread of bipatrism. This is especially true for refugees, who tend to naturalize faster and more often other immigrants, and from them only in rare cases as a condition naturalization is required to refuse previous citizenship.

The emergence of dual citizenship is sometimes a consequence and state policy aimed at consolidating its political influence and "collecting under its roof" citizens of a certain nationality. Such a policy follows, for example, Israel, whose legislation does not prevent the presence of their own citizens of citizenship of other countries [4, 41],

New offers to talk about "a composite state" [1, 138]. In his opinion, such a term makes it possible to avoid the contradictions that arise when discussing various definitions and characteristics of the federal states. In addition, such name implies the existence of a large number of different institutions, since it outlines only the estates of each part of the state. Consequently, the concept of "composite state" makes it possible to combine classical federal formulas and new forms political decentralization, without recounting the traditional set of characteristic elements that have never been fully represented in classical systems federalism.

The indication in the legislation of the existence of a single citizenship does not mean that the citizen of Ukraine cannot, for any reason, have dual citizenship. The principle under consideration is formulated by the legislator in the following way: "If

a citizen Ukraine has acquired the citizenship (citizenship) of another state (states), then in legal relations with Ukraine, he is recognized only as a citizen of Ukraine. If a foreigner has acquired the citizenship of Ukraine, he is in legal relations with Ukraine is recognized only as a citizen of Ukraine [1, 350].

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PERSONAL INCOME TAX RATE IN THE EUROPEAN UNION

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At the present stage of social, economic, and geopolitical development of Ukraine clear tax policy is extremely important. In the tax system, personal income tax is one of the key positions. According to the Ministry of Finance of Ukraine, tax revenues from the personal income tax account for 23.06%. For a long time in Ukraine there was a progressive scale, but today a standard rate of 18% is set.

The European system of taxation is formed on the basis of a progressive scale. For example, according to the French system, incomes are divided into 8 categories, each has its own method of calculation that takes into account the benefits and deductions applied. in France, the tax service makes the calculation of the personal

income tax Interesting is that the personal income tax is calculated for the family unit and it is taken from incomes on a progressive scale (from 5.5 to 75%). It should be noted that the maximum rate applies only if the family income is 1 million euros

Germany has the same mechanism of taxation, as in France. For the revenues less than 9 thousand euro the initial rate of personal income tax is 0%. Starting with income in the amount of €9 thousand up to €54,949 thousand tax rate is 14%. The top tax rate of 45% applies to taxable income above €260,533.

In Italy, there is also a progressive scale of personal income tax. The tax base is: wages and salaries paid by the employer non-permanent remuneration paid by any person. The tax rate depends on the appropriate level of person's earnings and can vary from 23% to 43%. In addition to income tax, regional and municipal taxes can be applied, with rates ranging from 0.7% to 3.33% and from 0% to 0.9%, respectively.

As we can see, European countries are characterized by high top tax rates. However, one feature should be noted here, for new EU member states has law tax rates of income tax in Poland from 34% to 19%, in the Czech Republic from 35% to 26%, in Latvia from 25% to 15%, in Lithuania from 29% to 15%.

Such state policy, in our opinion, is caused by high tax competition from the "old" member countries, and forces the "new" members to lower tax rates and become more attractive for foreign investments. Nevertheless, these countries are much lower in standard of living than Scandinavian countries despite the high level of taxation in the world (Finland - 45.9% of GDP, Sweden - 50.6%, Denmark - 48.9%), effective domestic policy, quality of state institutions, significant state investments in the development of human capital, the introduction of new technologies make them be in the top ten countries according to the Davos World Economic Forum [2, 42].

As a conclusion, for our country is necessary to take into account trends in the development of tax systems in foreign countries, which are characterized by a flexible tax policy, that allows both to accumulate sufficient funds for effective domestic and foreign policy of the state and to maintain a high level of welfare of the

population. A comprehensive analysis of domestic and foreign experience in the field of taxation will help us to modernize the tax system, which will contribute not only to filling the budget, but also to the economic growth of the country.

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MEANS OF REALIZING INTERTEXTUAL BONDS IN SCHOOL TEXTBOOKS

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In recent years, the term "intertextuality" has become widespread in Linguistics. The concept of "intertextuality" originates from the works by the Swedish linguist Ferdinand de Saussure at the beginning of the twentieth century, where he develops his theory of the linguistic sign. The term "intertextuality" was introduced by Y. Christeva in 1967 with regard to the study of M.M. Bakhtin's dialogic concept, according to which all statements are answers to previous statements and addressed to certain recipients. Thus, the text is formed from already existing discourses: the authors do not create new texts, but they compile them from previously existing discourses [1].

A great contribution to the development of the concept of "intertextuality" was made by the French semiotic post-structuralist J. Derrida, whose main idea was the relativity of any boundaries. Within this approach, intertextuality appears as a theory of boundless text [2]. This concept has been extended in various ways both by the

post-Soviet (Y.M. Lotman, I.P. Smirnov, B.M. Gasparov, P.H. Torop) and foreign linguists (R. Bart, M. Rifferter). In the modern scholars' research papers, the concept of "intertextuality" is regarded as one of the categories of discourse, and it is in this aspect that various types of intertextual bonds are studied and classified.

The proposed topic of the research is relevant, since intertextual bonds were studied mainly on the basis of fiction and publicist texts, while textbooks were not previously considered to be a material for studying the problem of intertextuality.

Intertext, as a basic component of English textbooks, is the main tool for understanding the peculiarities of the mentality of the population of the English-speaking countries. The main purpose of the English lesson is the formation of socio-cultural competence of students, that is, the formation of a system of concepts related to the culture of the target country. Consequently, when teaching a foreign language, the teacher should involve students in the dialogue of cultures, namely: to promote the students' knowledge of the culture, history and traditions of the target country.

In order to accomplish this task in the classroom, the teacher should inspire students' interest to the study of the target language and culture. To do this, it is necessary to apply to the school textbooks and intertexts, which serve as their basic components. Educational intertexts are the means of involving the child in the world culture and the culture of the people whose language is being studied.

Educational texts, which are usually the part of the structure of English textbooks, come from different sources regarding age-related characteristics of students. This may be a folk or a literary tale, a poem, a song in textbooks for junior pupils, or a newspaper article, an excerpt from a fiction text, or an interview for senior pupils. The texts are not selected arbitrarily, but based on the communicative situation. One of the means of expressing intertextual connections in school textbooks is quotations and aphorisms of famous people. They are also associated with a certain communicative situation, and also aimed at assimilating a certain grammatical topic.

Consequently, educational texts are the means of studying the culture of the foreign country, and they ultimately contribute to the formation of socio-cultural competence of students.

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HOCHSCHULDIDAKTIK IN DER DDR ODER: GEPLANTE PERSÖNLICHKEITSENTWICKLUNG

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In der DDR lebt "Hochschulpädagogik" als Name für Lehrgebiete, -materialien und -institute fort. Wenn überhaupt "Hochschuldidaktik" davon abgesetzt wird, dann so, dass jener die "Grundlagen", dieser die "Gestaltung" des Lehr- und Studienprozes¬ses zugewiesen wird [1]. Man beruft sich damit auf die Tradition, so explizit auf die "Gesellschaft für Hochschulpädagogik". Die in der ersten hochschulpädagogischen Bewegung angelegte Tendenz einer Pädagogisierung von Lehre und Studium unter möglichem Verlust ihres Prozesscharakters als Wissenschaft erscheint hier verallgemeinert.

Im "gesellschaftlichen Gesamtsystem des Sozialismus" wird wie der Charakter der Wissenschaft (als Waffe im Klassenkampf und als Produktivkraft), so die Aufgabe der Hochschule explizit bestimmt und der Politik und Ökonomie untergeordnet. Sie soll die "Einheit von sozialistischer Erziehung und hochqualifizierter Fachausbildung verwirklichen". Da im Sozialismus ein

Widerspruch zwischen Wissenschaft und Praxis nicht bestehen könne, gelte auch die Einheit von Bildung oder Erziehung und Ausbildung [1]. Auf der Grundlage dieses Postulats kann ein Programm allumfassender Steuerung des Lehr- und Studienprozesses entfaltet werden, dessen Ausführung auch die Hochschulpädagogik zu dienen hat. Einerseits funktioniert ein Qualifikationssystem aus differenzierten, gestuften, durch vielfache Leistungsprüfungen kontrollierten Studiengängen mit obligatorischen Lehrveranstaltungen und Betriebspraktika, andererseits sucht eine ideologische Formungsarbeit weite Bereiche des studentischen Lebens zu erfassen, die über obligatorische Grundkurse im Marxismus-Leninismus mit Ernteeinsätzen, Sport- und Wehrerziehung sowie quasi verpflichtender Mitarbeit in der FDJ hinausgehen [2]. Ebenso explizit sind die hochschulpädagogischen Anforderungen an die "erzieherische Wirksamkeit" des Hochschullehrers. Er soll nicht nur spezialisiertes Wissen auf höchstem Niveau vermitteln, sondern auch politische Orientierung geben, Vorbild sein, pädagogisches Geschick und Einfühlungsvermögen, soziales Engagement beweisen. Die Fähigkeiten dazu soll ein dem Studienreferendariat für Gymnasiallehrer ähnliches Ausbildungsprogramm aus Grundkursen im Marxismus-Leninismus sowie in Pädagogik und Methodik, aus Hospitationen, Lehrproben und didaktischer Examensarbeit im Rahmen des Doktorats vermitteln und abprüfen. In der Aus- und Fortbildung der Hochschullehrer und der Bearbeitung didaktisch-methodischer Fragen liegt die wesentliche Aufgabe der hochschulpädagogischen Institute oder Lehrstühle, da die Grundlagen durch die Partei- und Staatsorgane festgelegt und die Prüfungs- und Studienordnungen zentral entwickelt werden.

Die Entfernung vom Humboldtschen Konzept liegt, abgesehen von inhaltlich veränderten Bildungszielen, nicht im Postulat der Einheit von Erziehung und Ausbildung an sich. Es liegt aber im Programm, die allseitige Entwicklung der sozialistischen Persönlichkeit durch detaillierte Lenkung und Kontrolle erreichen zu wollen. Gelegentlich zeigt explizite Kritik an zu gerin¬ger Auseinandersetzung mit dieser Tradition, häufiger noch zeigen implizit die immer neuen Diskussionen. Es ist beispielsweise im 27. Jahrgang 1979 der Zeitschrift "Das Hochschulwesen", um die

"kommunistische Erziehung" oder die "selbständige wissenschaftliche Arbeit der Studenten" nachzulesen, dass hier durch die Vormacht der planvollen praxisbezogenen Ausbildung gegenüber den anderen beiden Polen von Lehre und Studium dann nicht mehr lösbare Probleme entstanden sind.

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CORRELATION OF INTERNATIONAL AND NATIONAL LAW IN AFGHANISTAN

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In globalizing world, a problem of relation between international and national legal systems is one of the topical problems of modern legal science. Complex interaction of domestic and international law is well seen on example of Afghanistan, as well as Sharia and local customs.

At first, principles and provisions of international law are mentioned in preamble of a current Constitution of Afghanistan. Here, it is stated that **"**we the people of Afghanistan observing the UN charter and the Universal Declaration on Human Rights in order to regain afghanistans appropriate place in the international family approved this constitution" [1].

Art. 7 of the Constitution says that «the state shall observe the United Nations Charter, inter-state agreements, as well as international treaties to which Afghanistan has joined, and the Universal Declaration of Human Rights». So international law is considered as one of the sources of national law of Afghanistan.

However, there are no constitutional provisions according to which international legal acts are automatically incorporated into national legislation. The procedure of implementing international treaties can be explored through analysis of the Constitudion and a Law of Afghanistan "On international treaties" dated 1989. According to the Law, the President or a Minister of foreign affairs, or specially authorized persons may conclude and sign international treaties and agreements. It's worth mentioning that there is a number of issues, on which only the President of the country is authorized to make decisions, such as, to sign treaties on peace, on the use of force, on geographical borders, on friendship and cooperation, etc. A signed international treaty can be brought into force only after ratification by National Assembly, which can also repeal a treaty [2].

Thus, Afghanistan accepts on constitutional level international treaties, the UN charter, the Universal Declaration on Human Rights. It recognises them as binding after the procedure of ratification.

A study of history and specifics of legal system of Afghanistan can bring to the answer why international treaties, particularly on human rights, are violated in this region.

Initially, afghan ethnic groups living in mountains were isolated due to their location. Later, development of the country was slowed down because of its role as a peripheral territory between Russian and British empires. Emirs of those times didn't build railways in order to avoid seizure. They directed all resources to maintain viability of the army and centralized bureaucracy. With the emergence of the USSR, the situation became more complicated by partial isolation - the closure of northern borders. Whereas in neighboring states, colonialists provided top-down modernization, Afghanistan had to implement reforms by its own. So, local customs always played a significant role in Afghanistan.

One of those local customs is dated to pre-Islamic era a Pashtun Code of Honor (Pashtunwali). Belief in one God is among main concepts of the code. Nevertheless, Pashtunwali and Sharia law in some matters differ greatly. For example, in contrast to the Code, Sharia forbids blood feud.

A religious factor cannot be underestimated in Afghanistan. Art. 1 establishes the status of Afghanistan as an Islamic Republic. According to the Constitution, Islam is a state religion. At the same time, members of other religions have a right to profess them (art. 2) [1].

A movement of Youth Afghans (Jadids) appeared at early 20th century in order to bring an Islamic world to a qualitatively new level of development insisted on the need to use ijtihad – a method of Islamic jurisprudence, which lies in interpretation of primary sources of Sharia in line with existing realities. It seems to me, that the approach provided by Youth Afghans may be useful for Afghanistan even nowadays. Education is a key to overcome archaic customs that have already outdated themselves. This would be a step towards real implementation of all those treaties Afghanistan has pledged to perform.

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CLIMATE CHANGE AND EXTRATERRITORIAL OBLIGATIONS UNDER ICCPR AND ICESCR

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Today as never before climate change poses a serious challenge to the enjoyment of fundamental human rights. Though the Human Rights Committee,

IPCC and other UN specialized bodies have recognized the negative effects of climate change, they do not say implicitly whether the key human rights treaties that merit considerations – ICCPR and ICESCR – could be applied extraterritorially in the context of climate change.

To find an answer, I will firstly focus an attention on the wording of ICESRC`s provisions. In contrast to Article 2 (1) of the ICCPR, the ICESRC does not limit its territorial scope of application. The rationale behind the decision not to define ICESCR`s scope of application is an international dimension of the rights enshrined in the Covenant. Drafters of the Covenant, as well as the contracting states, were certain that to achieve the full and effective realization of economic, social and cultural rights, states shall "take steps, individually and through international assistance and co-operation" [5]. It thus applies extraterritorially [2, para. 27].

In the same vein, the Maastricht principles on Extraterritorial Obligations of States in the area of economic, social and cultural rights recognize that "All States have obligations to respect, protect and fulfil human rights, including civil, cultural,economic, political and social rights, both within their territories and extraterritorially" [1, 5]. It does not mean that a particular state has obligations in respect to each and every person residing within its territory or abroad. Rather, this wording accurately frame the obligations of states that exercise control or authority over individuals or situations abroad, in a way that could have an impact on the realization of human rights [1, 5-7]. Each state therefore must cooperate with other members of international community to ensure the universally recognized economic, cultural and social human rights. In the context of climate change this set of rights is intrinsically intertwined with the aim to achieve the goals of Article 55 of the UN Charter and fulfill obligations of a global character.

Importantly, the ICCPR does contain territorial limitations. Article 2 (1) reads as follow: "Each State Party undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction" [4]. One may conclude that this depicts the lack of extraterritorial obligations. However, international law never closes all doors for actions, which make internationally important differences.

According to the case law of the International Court of Justice, Inter-American Court of Human Rights and Human Rights Committee extraterritorial obligations may arise in case of effective control over persons (e.g., military occupation or detention).

Indeed, climate change has nothing to do with effective control. But in the context of climate change the Advisory Opinion of the Inter-American Court of Human Rights (IACtHR) deserves a special credit since it has broaden the notion of jurisdiction and may assist in invoking state responsibility for violations of human rights associated with climate change. IACtHR has established that "a causal connection between the incident that took place on its territory and the violation of the human rights of persons outside its territory" is required for being regarded within state jurisdiction [3]. This means that courts all over the world, both national and international, may be able to apply the provisions of the most recognized treaties extraterritorially to establish state responsibility for human rights violations associated with climate change.

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MEDICAL CONFIDENTIALITY AND CRIME PREVENTION IN THE UK AND USA

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Medical confidentiality is a key factor in which doctor-patient relationship is built. It was recognized long ago in the Hippocratic oath: "Whatever, in connection with my professional practice I see or hear of men, which ought not to be spoke abroad, I will not divulge, as reckoning that all such should be kept secret".

Nowadays, in the UK there are several statutory obligations placed on doctors to disclose information based on the threat of harm. First of all, in Article 8 of the *Human Rights Act 1998* (the right of respect for private and family life) which requires that private information, such as medical notes, is kept private, the right to confidentiality is not absolute. It is qualified by section 2: "There shall be no interference by a public authority with the exercise of this right except in the interests of national security, public safety for the prevention of crime or for the protection of the rights and freedoms of others". In this way, the interest of an individual is balanced against the interests of the public in preventing and solving a crime.

The Police and Criminal Evidence Act 1984 considers a 'serious offence' a crime giving risk to national security, interfering with justice, and causing death or serious injury. *The Act* provides police with powers to access materials classified as excluded such as medical records if a warrant has been obtained by a circuit judge.

Disclosure of confidential information is demanded when national security is at risk. It is defined by the *Prevention of Terrorism Act 2005* that provides for a duty to report suspicion of terrorist activity. The *Terrorism Act 2006* requests healthcare professionals to inform police of any information that may help prevent an act of terrorism, or assist in apprehending or prosecuting a terrorist.

The Road Traffic Act 1991 requests medical practitioners to give patient details to the police when a driver is alleged to have committed an offence. Doctors may

face prosecution for failure to disclose such relevant information. With respect to this act the common law duty to respect confidentiality was summarized in the case *Hunter v Mann.* The defendant doctor had been asked for information that might have resulted in the apprehension of a suspect wanted for dangerous driving in a stolen vehicle. The court stated that the doctor's duty of confidentiality was overridden by the statutory duty imposed by the mentioned act.

It is generally accepted that the common law allows disclosure of confidential information if: 1) the patient consents; b) it is required by law; 3) in response to a court order; 4) it is justified in the public interest.

There are several professional regulations addressing the duty to respect confidentiality in the UK: the *UK NHS Confidentiality Code of Practice, NHS Constitution, Good Medical Practice, etc.*

Balancing the various interests in health information and upholding its confidentiality, privacy and security present important challenges within the U.S. healthcare and legal systems. These issues are regulated by numerous sources of law. But in the USA, there is a prima facie duty to breach confidentiality and warn an identifiable victim where there is a risk of harm from a patient. *Tarassoff v The Regents of the University of California (1976)* case is an example of the challenges healthcare providers face in protecting confidentiality. The Supreme Court of California held that mental health professionals have a duty to protect individuals who are being threatened with bodily harm by a patient. The original 1974 decision mandated warning the threatened individual, but a 1976 rehearing of the case by the California Supreme Court called for a "duty to protect" the intended victim. The professional may discharge the duty in several ways, including notifying police, warning the intended victim, and/or taking other reasonable steps to protect the threatened individual.

On balance, both in the UK and the USA patient confidentiality is not absolute. Legislation and case law determine the circumstances of disclosures such as national security, public safety, or the economic well-being of the country, for the prevention

of disorder or crime, protection of health or morals, or for the protection of rights and freedoms of others.

CASSATION APPEAL IN CRIMINAL PROCEEDINGS

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A legal act occupies a basic place among the sources of law in the Civil law countries, where it is a characteristic feature. The Supreme Court is the highest court within the hierarchy of courts in many legal jurisdictions. The decisions of a supreme court are not subject to further review by any other court. Supreme courts typically function primarily as appellate courts, hearing appeals from decisions of lower trial courts, or from intermediate-level appellate courts.

The issue of the work of the Supreme Court in the Ukrainian legislation is regulated by the Constitution of Ukraine [1, art.129], the Law of Ukraine "On the Judiciary and the Status of Judges"[2]. However, it should be noted that in accordance with the Constitution of Ukraine, submission of a cassation appeal is a right, but not an obligation of the party to criminal proceedings and the state guarantees only the appeal review of the decision of the court of first instance, and the cassation review - only in cases provided by law.

Thus, scholars include the right to appeal to the relative (limited) human rights.

Unlike the civil law countries, in the countries of the common law the main source of law is the judicial precedent. Judicial precedent is a decision of the court of the highest instance in a specific case, which becomes binding for the use by lower courts in similar legal relationships.

Special attention is paid to the fact that in these countries there is no concept of "cassation" as an opportunity to appeal a judicial decision that has come into force. This term means the second or further appeal. For example, in the South Australia legislative, existence of the petition procedure has had strong justificatory value for

the restriction of further appeals. A leading case on the interpretation of the provisions has stated that they do not give rise to any legal rights on the part of the petitioner- it being assumed that all legal rights have been exhausted.

An independent non-departmental government body with responsibility for investigating alleged miscarriges of justice and where appropriate referring them to the appeal court review. It has a right to access any information relating to a conviction which is held by a public body. Its review of files held by the police and the prosecuting authorities has led to the discovery of information which ought to have been disclosed at the time of the trial.

No doubt this was based upon the combined effect of the following: a) there is no second appeal for a person who has been wrongfully convicted; b) the Hight Court cannot admit fresh evidence which shows a person has been wrongfully convicted.

Summarizing the above, one can conclude that in domestic law system the right to appeal is not absolute but is limited. However, despite the strengthening of the role of the judicial precedent in modern judicial practice, until now, its consolidation as a source of law, which is obligatory for execution by lower courts, is not available. Instead, judges can or cannot use the practice of the Supreme Court in their judgments, but avoiding the practice of the Supreme Court must be motivated [3, 155-156].

For today, the study of the issues of the cassation appeal of court decisions (sentences) in criminal proceedings is very relevant, considering the specifics of criminal proceedings as limiting the rights and freedoms of citizens.

A limited right to cassation appeal requires that the activity of the courts, the prosecutors offices, bodies of pre-trial investigation should have special quality and validity. Appeal against decisions in criminal proceedings should not violate the balance of legal certainty and justice.

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HOW THE CAR INSURANCE WORKS

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Widespread use of cars began after the First World War in the urban areas. Cars were relatively fast and dangerous at that stage, yet there was still no compulsory form of car insurance anywhere in the world. This meant that injured victims would seldom get any compensation for the accident, and drivers often faced considerable costs for damage to their car and property.

A compulsory car insurance scheme was first introduced in the United Kingdom with the Road Traffic Act 1930 [3]. This ensured that all vehicle owners and drivers had to be insured for their liability for injury or death to third parties whilst their vehicle was being used on a public road. Germany enacted similar legislation in 1939 called the "Act on the Implementation of Compulsory Insurance for Motor Vehicle Owners. Nowadays, in many jurisdictions, it is compulsory to have vehicle insurance before using or keeping a motor vehicle on public roads.

Car insurance is a contract between vehicle owner and the insurance company that protects against financial loss in the event of an accident. Instead of paying out of pocket for auto accidents, people pay annual premiums to an auto insurance company. The company then pays all or most of the costs associated with an auto accident.

Auto insurance premiums vary depending on age, gender, years of driving experience, accident and moving violation history and other factors.

Most states mandate that all vehicle owners purchase a minimum amount of auto insurance, but many people purchase additional insurance to further protect themselves.

A poor driving record or the desire for more complete coverage will lead to higher premiums. However, you can reduce your premiums by agreeing to take on more risk, which means increasing your deductible.

Auto insurance provides coverage for: property – such as damage to your car, liability – legal responsibility to others for bodily injury or property damage, medical – the cost of treating injuries, rehabilitation and sometimes lost wages and funeral expenses

Policies are priced individually to let you customize coverage amounts to suit your exact needs and budget. Policy terms are usually six- or 12-month timeframes and are renewable. An insurer will notify a customer when it's time to renew the policy and pay another premium [2].

Legal regulation of car insurance varies greatly from country to country. An International Motor Insurance Card System is an arrangement between authorities and insurance organizations of multiple states. IMICS ensure that victims of road traffic accidents do not suffer from the fact that injuries or damage sustained by them were caused by a visiting motorist rather than a motorist resident in the same country.

Additionally to extending the insurance coverage territorial scope such systems have the benefit for motorists to avoid the need to obtain insurance cover at each of the frontiers of the countries which they visit.

There are multiple motor insurance systems around the world, established on the regional basis. The first was the Green Card system established in 1949 in Europe, but later other regions followed suit [1].

The Green Card System is primarily a European system. It presently includes most, but not all European countries, and some of their neighbors. The Orange card system is established between most of the members of the Arab League and is applicable primarily in the Middle East and North Africa. The Blue card system is established between the members of the ASEAN and is applicable in South East

Asia. The Pink card system is established between the members of the CEMAC and is applicable in Central Africa. The Brown card system is established between most of the members of the ECOWAS and is applicable in Western Africa. The Yellow card system is established between most of the members of the COMESA and is applicable primarily in Eastern Africa.

Conclusions

Cars become faster and more comfortable. However, the risk and danger of their use also increases. Governments of all states attempt to legislate the mechanism of compensation for victims of road accidents.

In 2017 162 526 accidents happened in Ukraine. 27 220 of them are associated with victims: 34 677 people were injured, 3 432 - died [4]. Their lives or lives of their relatives have changed forever. Though insurance pay back for damage, however, loss of the health can not be recovered in most cases and lives can not be returned.

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THE RIGHT TO CHALLENGE IN COURT THE INVESTIGATOR'S OR PROSECUTOR'S DECISIONS, ACTIONS OR INACTIONS IN PRE-TRIAL PROCEEDING AS A PART OF MECHANISM THAT PROVIDE ATTAINING THE OBJECTIVES OF CRIMINAL PROCEDURE

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This thesis is concerned with the problem of legal determination of investigator's or prosecutor's decisions, actions or inactions, which lawfulness can be

examined by the investigating judge in pre-trial proceeding, in a form of exhaustive list.

The aim of this work is to define whether or not the procedure of lawsuit against investigator's or prosecutor's unlawful decisions, actions or inactions in pre-trial proceeding, which is settled up in criminal procedural law of Ukraine, match with the absolute constitutional right of everyone to challenge in court the decisions, actions or inactions of bodies of state power, bodies of local self-government, officials and officers.

It is needed to note that the right to challenge in court is absolute. Constitution of Ukraine explicitly provides that this right cannot be limited. Neither special procedures nor omissions in legal regulation can negate the possibility to challenge. It is important to imply the effective methods for the right to challenge realisation in pre-trial procedure.

The right to challenge in its essence consists of three elements: the right holder, the institution authorized to handle a complaint and the subject of legal challenge. The challenge as a process of filing a complaint and reviewing it shall be seen as ancillary to the right to challenge being fulfilled.

The main objective of challenge procedure (the process of the right to challenge realisation) is to establish the factual reasonableness of the complaint and to correct the committed violations (if any were done).

Ensuring the right to challenge in pre-trial proceeding is key in the mechanism that provides attaining the objectives of criminal procedure. It is right holder's instrument to initiate and achieve restoration of the standards of rapid, full and impartial investigation if authorized officials do not compliance with them. Neither the right to challenge nor legal institute of challenge do attain the objectives of criminal procedure. But they are fundamental instruments of control that provide properly functioning mechanism of attaining the objectives of criminal procedure.

Investigator's or prosecutor's processual decisions, actions or inactions that are made or done in pre-trial can be challenged only in the procedure of criminal justice. European Court on Human Rights have found the remedy to challenge any of the

investigator's or prosecutor's processual decisions, actions or inactions only in the course of the preliminary (administrative) hearing not satisfying the notion of accessibility and effectiveness, as it suggests that complaints can be made after the investigation has finished, but leaves no possibility of appeal in the course of the investigation [1, 65]. That is why exhaustive list of investigator's or prosecutor's decisions, actions or inactions that can be complained in pre-trial proceeding significantly restricts, and sometimes completely deprives a person of the constitutional right to challenge in court.

As a result of this research the author made a conclusion that exhaustive list in Article 303 § 1 of the Criminal Procedure Code of Ukraine do not provide effective protection or restoration of human rights and freedoms and therefor withhold attaining the objectives of criminal procedure, in particular preservation and effective protection of the rights of parties and other participants.

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POLITICAL AND LEGAL CONSEQUENCES OF THE PEREYASLAV COUNCIL

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The Pereyaslav Council was one of the key events of the National liberation war of the Ukrainian people and a prominent milestone in European history. Being one of many events in the diplomatic activity of hetman Bogdan Khmelnytsky, it became essential and fateful for the Ukrainian people. We are experiencing the consequences of the Pereyaslav Council today and try to overcome them.

To begin with, in 1648-1657 the Ukrainian people led by hetman Khmelnytsky fought against Polish-Lithuanian Commonwealth and gained independence. The

National liberation war changed the map of the entire region: as a result, Cossack Hetmanate was formed (scholars consider it as the basis of modern Ukraine). The hetman hesitated in choosing an ally for the war against Poland. Since the end of 1648 an experienced diplomat was looking for possible relations with Moscoviya that had intention to use Cossack Hetmanate as an outpost in the fight against the Crimean Khanate and Polish-Lithuanian Commonwealth.

On October 1, 1653 the Moscow Zemsky Sobor eventually responded with consent to numerous letters and delegations from Ukraine. The decision was to take Cossak Hetmanate headed by Bogdan Khmelnytsky under the tsar rule and begin the war against Poland [2,199]. As a result of this event, Moscow delegation headed by Buturlin went to Ukraine in November 1653. Meetings, negotiations, granting royal letters and regalia had to be held in Pereyaslav. The Ukrainian side took the oath, while the Russian side assured that its sovereign would keep his word without the oath.

The agreement was oral, each side understood it in its own way [1,83]. Consequently, the military council in Pereyaslav made the decision about the adoption of the protectorate by Cossack Hetmanate. The protectorate was based on the agreement of a stronger in the military aspect state of Moscoviya and a weaker state of Cossack Hetmanate that remained sovereign. For this protection Ukraine had to pay certain charges.

In March 1654 the final written text of «March Articles» was concluded in Moscow. Among its political aspects I would like to highlight the following. First of all, Ukraine maintained the republican form of government headed by the hetman, who was elected by the Cossack Council for life. Secondly, under the terms of the agreement the administrative-territorial system, the court and judicial system remained unchanged. Thirdly, Moscow promised not to interfere with the legal system. Besides, Cossack Hetmanate had its own intact financial system. The Cossack register comprised of sixty thousand people. The Moscow government was obliged to begin the war against Polish-Lithuanian Commonwealth. As for domestic policy, it remained independent. Restrictions of external sovereignty concerned only

the prohibition of relations with the Ottoman Empire and Polish-Lithuanian Commonwealth and the ban to negotiate with ambassadors who had hostile intentions against Moscow.

The negative consequences of the Pereyaslav Treaty lay in the political sphere. Although initially Cossack Hetmanate received its autonomy, but later Moscow authority began the process of destroying its independence and full transformation of Ukraine into province. Every hetman had to conclude contractual agreement with Moscow, where the rights of Ukrainians were limited. Special Russian bodies were created to control the situation in Cossack Hetmanate, which led to the liquidation of hetman's post in 1764. In 1775 Zaporizhzhya Sich was destroyed and, as a result, Ukraine lost its statehood.

The socio-economic consequences of the Pereyaslav Council were negative too. The freedom of peasants was abolished. In 1783 Catherina II introduced serfdom by her decree. Another aspect was the liquidation of the Magdeburg Law and, as a result, the decline of Ukrainian cities. Economic rapprochement with Moscow led to the loss of Ukraine's tradional ties with Polish-Lithuanian Commonwealth and through it with Western Europe. Only part of Ukraine was under the Moscow rule. This fact negatively affected the formation of the Ukrainian nationwide market. The process of establishing new bourgeois relations was slowed down.

The Pereyaslav Council had also negative influence on the cultural life of Ukraine. Moscow began to pursue denationalization policy. The functioning of the Ukrainian language was limited and subsequently it was completely forbidden. The Ukrainian church was destroyed and now we are on the way of its renovation. The main consequence was that Ukraine became the province of Moscow.

So, after 365 years from the time of the Pereyaslav Council we see, that legal rapprochement between Ukraine and Moscow was documented in «March Articles» as an act of separation and independence of Cossack Hetmanate from Polish-Lithuanian Commonwealth and formation of Moscow's protectorate over it, which entailed the loss of Ukraine’s independence and at present we see the danger of

repetition of the same situation. Therefore, the value of the lessons of the Pereyaslav Council is difficult to overestimate.

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THE SUBJECT OF PLEDGE OF GOODS IN CIRCULATION OR IN PROCESSING

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Urgency of the research is due to the key issue of determining what kind of property can serve as a subject of pledge in accordance with legislation in force.

Before proceeding to research a subject of pledge it is worth noting that it is legally regulated with Civil Code of Ukraine and the Law of Ukraine "On Pledge", which provide somewhat similar definitions of the term. According to the law of Ukraine "On Pledge" a creditor (pledgee) shall have the right to be satisfied from the value of pledged property prior to other creditors, in case a debtor (pledger) does not fulfill liabilities secured by pledge [1].

What property a pledgee will be entitled to collect in the event of obligation default by a pledger. Therefore, according to Art. 576 of the Civil Code of Ukraine, the subject of a pledge may be any property (in particular, a thing, securities, property rights) that can be alienated by a pledgee and on which collection can be turned [2].

Thing is a material object in the state of nature or been created as a result of human activity to meet certain needs of subjects of civil-law relations and in respect of which civil rights and obligations may arise.

Depending on the features, things are divided into the following types: movables and immovables; limited or not seized from civil circulation; individually determined and generic; consumer and non-consumer; divisible and indivisible; main and affiliated; products, fruits and income; money; currency valuables and securities.

Consequently, the pledge subject of goods in circulation or in processing is a thing defined by the generic features, that in civil circulation differs from each other by a) its genus, b) quality, c) quantitative characteristics.

Considering the problem of pledge subject individualization for goods in circulation or in processing, it should be noted that the legislator proposes to individualize the subject of pledge by indicating its ownership by pledger or their location in some workshop, warehouse, other premises, or in other way which is enough for identification of totality of movable things as the subject of pledge.

Dyakovich M. emphasizes, that the individualization of goods in circulation or in processing, as a subject of a pledge, must be determined in quantitative terms (tones, liters, meters, etc.). While pledging goods in circulation and processing, the number of units can be specified as of the time of the pledge creation. Also, it is necessary to determine the qualitative criteria of the pledge subject with the help of a technical and legal regulatory framework in the form of standards, certificates, specifications, etc. The qualitative characteristic of the pledge subject is directly related to the valuation, as it is affected by the quality criteria violation of the pledged property. Quality criteria specification is important for the individualization of pledge subject [3, 26].

The subject of pledge agreement for goods in circulation or in processing may be raw materials, semi-finished goods, as well as component parts and finished products. However, this list is not exhaustive. Such a definition of the subject of pledge is provided in Art. 40 of the Law of Ukraine "On Pledge".

Although it is legally defined the subject of pledge for both goods in circulation and goods in processing, it is noteworthy that pledge of goods in circulation should be distinguished from pledge of raw materials and semi-finished goods in processing. Distinguishing features are as follows: while pledging goods in

circulation: a) the property always remains with the pledger; b) pledged property may be alienated by the pledger and substituted with another included in the range; while pledging goods in processing: a) the property may remain with the pledger or be transferred to a third person (for example, a factory or a foreman) for processing; b) products obtained as a result of processing can not be sold by the pledger but must be transferred to the pledgee or must be kept at the pledgee. It follows that not all the rules established for the pledge of goods in circulation can be applied to the pledge of goods in processing [5, 51].

However, in both cases, the value of the pledged property at a fixed amount of the secured obligation must remain constant.

At the same time, the legislation does not provide the possibility of pledged property valuation changes in the event of partial fulfillment of obligation secured by pledge [4, 152].

Therefore the current legislation regulating the pledge of goods in circulation and in processing needs to be improved. It would be reasonable to establish statutory provisions in respect of reduction in the number of pledged goods proportionally to completion of obligation. Such changes would provide the pledger with the possibility of re-pledge a part of the goods released from the pledge in order to obtain an additional loan. In addition, for the comprehensive individualization of the subject of pledge for goods in circulation and processing, it is necessary to determine the content of the concepts of "raw materials", "semi-finished goods", "component parts", "finished goods", fixed in Art. 40 of the Law of Ukraine "On Pledge", in the context of subject within pledge legal relations.

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SAFETY OF PRODUCTION AS A NATIONAL SECURITY COMPONENT

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In the conditions of Ukraine's independence, the formation of the country as a democratic state, the attempt to be a full member of the European Union, the threat of various dangers is of the highest relevance.The problem of ensuring national security is relevant, and its solution is determined by the need to have a unified system of knowledge about national security, to have an effective method of determining its structural elements, as well as the methodological principles for the analysis, evaluation, prevention, decision-making in the field of management of the national economy.

The safety of products as a guarantee of the safety of life and health of a person is provided at the state level. In thebroadest sense, security is defined as a state of security from anything.

Ensuring national security through economic growth is achieved through the development of import substitution programs, the implementation of innovative projects that result in safe and competitive products on the market, the formation of a national innovation system, increased productivity, development of new sources of

resources, modernization of priority sectors of the national economy, improvement of the banking system and the financial sector.

In the economic encyclopedia safety of products is defined as set of consumer characteristics of products which do not threaten safety of human life and property. At the same time, a form of manifestation of safety of products is the state standard established by it [4]. At the same time, the legal encyclopedia defines safety of products as feature of products that provides safety for life, health or citizens' property use of the acquired products or its storage during an established period of the validity [5].

In the Law of Ukraine "On Consumer Protection" safety of products is understood as lack of any risk for life, health, property of a consumer and the surrounding environment under usual conditions of use, storage, transportation, production and utilization of products. The right of the consumer for safety of products (goods, impact of work) is enshrined in Article 14 of the Law of Ukraine "On Consumer Protection": the consumer has the right for the products safe for his\her life, health, the surrounding environment and which did not do harm his\her property [2]. During creation of new goods, the developer has to submit technical documentation of appropriate authority for conducting state examination on its compliance to requirements for safety for life, health and property of consumers and also the surrounding environment. The producer of goods has to inform the consumer on possible risk and on safe use of products by means of the accepted well-known designations in the international practice [1].

According to Article 4 of the Law of Ukraine "On general safety of non-food products", the general requirement for safety of products is defined. So, manufacturers are obliged to put into circulation only safe products. The norms of this law envisage the directions of proof of safety of products, which include: compliance with established requirements, conclusion of the body of state market supervision, compliance with national standards harmonized with the European standards [3]. At the same time, the control over observance of the requirements of

the normative legal acts of Ukraine regarding the safety of products is entrusted to the national standardization body.

The safety of products is carried out through appropriate measures of state influence: the introduction of scientifically substantiated standards of product safety; introduction into production of environmentally safe technologies; prevention of uncontrolled import into Ukraine of environmentally hazardous products and technologies, substances and materials. Today, product safety is an important component of national security and can only be solved in the case of integrated environmental, economic and legal measures. Effective implementation of these measures is of great importance for stabilizing the economic and environmental situation in Ukraine, as well as optimizing the state policy of the state in modern conditions.

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ENSURING ECOLOGICAL SAFETY DURING COAL MINING RECOVERY, THE HISTORICAL AND LEGAL ASPECT

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Mining industry provides recovery of mineral fuel, ores of black, non-ferrous, rare and noble metals, as well as non-metallic raw materials.

The nomenclature of this branch includes more than 200 kinds of mineral raw materials. Mineral resources depending on the technology of their use are divided into: fuel and energy raw materials, ferrous metals, non-ferrous metals, noble metals, chemical raw materials, technical raw materials.

The fuel and energy raw materials include natural resources used for energy production (oil, natural gas, rock and brown coal, uranium, oil shale)

The world's largest reserves account for coal among the fuel resources.

On the territory of the lands of the Eastern and Sloboda Ukraine, which was part of the Russian Empire, the existence of coal deposits has long been known to the local population. The first historical document on the discovery of coal in the territory of Donbass is the nominal Decree of Peter I dated December 07, 1719 “On the establishment of the Collegium of Mining for carrying out cases on ores and minerals and the freedom of ore-mining and miner's enterprise”.

The other parts of the Ukrainian lands (Eastern Galicia, Bukovina and Zakarpattia) were part of the Austrian (Austro-Hungarian - since 1867) Empire and, accordingly, were in the sphere of the Austrian system of law.

The foundations of the legal regulation of the protection of mineral resources and mining in the Austrian Empire were laid by the State Mining Law dated 1854.

The Soviet era of the development of law-making and research activities in the field of mining legislation began with the idea of nationalization of mineral resources, partly implemented in the Peasant Land Order, which was added to the Decree “On Land” (1917).

Mining enactment of the USSR (1927) occupied one of the central places among sources of Soviet Mining Law. The Mining Code of the Ukrainian SSR was adopted in Ukraine (entered into force on July 01, 1928) on the grounds of Art. 5 of the Union Enactment.

The process of lawmaking began in many branches of law with the acquisition of independence in Ukraine.

The concept of "ecological safety" appears at the legislative level of Art. 50 of the Law of Ukraine "On Environmental Protection" and states that environmental safety is a state of the environment in which prevention of deterioration of the ecological situation and of danger emergence to human health is provided.

The Code of Ukraine on Mineral Resources states that the design of mining facilities is carried out on the grounds of geological and other study of the mineral resources, taking into account the complex development of the region and the requirements of environmental safety.

Section VI of the Mining Law of Ukraine proclaims peculiarities of ecological safety of mining works. Art. 35 (of the Law) says that the Mining Projects include measures to prevent the harmful impact of mining on the life and health of the population, the environment and natural resources that are carried out by the owner of the mining enterprise.

The Law of Ukraine "On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period up to 2020" introduces ecologically safe technologies for mining, compulsory reclamation and ecological rehabilitation of territories that were violated as a result of the production of mining enterprises by 2020, oil refining industry, in particular provision of reclamation of land on an area of at least 4.3 thousand hectares up to 2020.

The notion of environmental safety in the recovery of coal is not enshrined at the constitutional level. There are no laws other than Art. 50 of the Law of Ukraine "On Environmental Protection" and Section VI of the Mining Law. Given the fact that the concept is a very topical issue nowadays, the legislator must either more

broadly disclose the concept and all aspects associated with, or develop a separate legal act.

CONSTITUTIONAL AND LEGAL STATUS OF REGION

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To begin with, the formation of new relations in the sphere of territorial organization of Ukrainian state caused the need to rethink their constitutional and legal regulation.

Before the adoption of the Constitution of Ukraine in 1996 the question of improving administrative and territorial division in Ukraine had become very important.

In the system of administrative and territorial division special role is given to region. Its specificity is determined by the provisions of 132 Article of the Constitution of Ukraine. Listing the elements of the system of administrative and territorial division of Ukraine, the Constitution contains an enumeration of regions. Thus, the formation of a new region or liquidation of the existing one, result in making changes of the Constitution of Ukraine.

Disclosure of constitutional and legal status of the region in Ukraine should be conducted through the light of the idea of regionalism. This approach is not only theoretically deliberate, but almost necessary, as conditioned by many features of modern constitutional and legal regulation of territorial structure of Ukraine. Settling these principles, the legislator leads in constitutional and legal dictionary, the term "region" (Art. 132 of the Constitution of Ukraine). The constitutional provision does not define the "region" as an independent administrative-territorial unit, formed to solve some regional problems, but experience shows that the region has always been the result of deliberate national regional policy.

A regional division in Ukraine must meet the character and essence of public relations. Fundamental changes in public-administrative, Socio-economic and other relations lead to the transformation of legal status of region.

During reorganization of region it is necessary to take into account common interests of territorial communities of villages, towns and cities that make up region.

Modern views on constitutional and legal nature of region have been changed significantly. It became possible due to the development of new public relations in the sphere of the territorial organization of the state. The Constitution of Ukraine determined that constitutional and legal relations between region and state form on the principles of decentralization. This principle provides the necessity of the regional local government creation. Region is considered both an administrative unit, and a state-formed union of communities, which produces and realized its common interest through the regional council. Thus, the regional council is a body of the local government, which presents common interests of the territorial communities of villages, towns and cities.

Balanced socio-economic development of their territories, which can be achieved due to the successful implementation of the principles of territorial structure of Ukraine, is a characteristic feature of region.

In conclusion, I would like to say that the interests of region require the creation of a regulatory framework which will be favorable to ensure a balance of national and regional interests.

In addition, soviet legal science considered region as a part of administrative and territorial division of the state, where administrative and political jurisdiction of regional public authority was carried out.

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GENDER EQUALITY IN THE EUROPEAN UNION

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The article is devoted to the practice of the gender equality principle in the European Union (the EU), which is important in modern conditions of European integration of Ukraine. The principle of gender equality encompasses the prohibition of discrimination and the adoption of special measures for the "advancement" of women.

As Professor Klaus-Dieter Borchardt rightly notes, “unity can endure only where equality is the rule. No citizen of the Union may be placed at a disadvantage or discriminated against because of his or her nationality. Similarly, discriminatory treatment on the grounds of gender must be combated” [1, 21].

Furthermore, gender equality is one of the basis pillars of the EU that comes to aid of improving the everyday lives of humanity, especially in the field of the creation of more equal opportunities [2, 2].

Nowadays, the attitude towards women in our society is significantly different from that of men and it regards diversity spheres of our life activity: political, economic, social and legal.

Women’s rights are protected by international human rights treaties, particularly the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This states the principles of non-discrimination on the basis of sex (Art. 2) and of affirmative action (Art. 4), and contains a provision specifically devoted to rural women (Art. 14). The principle of non-discrimination is

stated in the CEDAW in a very broad way, applying not only to state-enacted laws and regulations, but also to the behaviour of private individuals (Arts. 2(e), 5 and 10(c)), and including both discriminatory purposes and effects [3, 7]. CEDAW is the most important international human rights instrument for the protection and development of women's rights, and therefore, it is not surprising that it was also called the "Women's Rights Charter".

Despite of the efforts of our society, the most of people consider gender equality ideology that does harm to the basic family values that gradually destroys the institution of motherhood and fatherhood. Instead, the basic idea of gender equality is to provide both women and men with the same rights, opportunities and conditions for full-fledged development.

The promotion and protection of equality between women and men requires a change of mind-sets, solidarity and the political will to create institutional and legal frameworks that specifically addresses gender inequalities [4, 56].

Although the EU has achieved positive results in protecting human rights, work is still continuing in this direction. The idea of gender equality is an integral part of equality as a general principle, development and peace in the world. Without this principle, it is impossible to establish the basis for democracy, freedom, justice and tolerance.

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THE GENESIS OF DEMILITARIZATION IN INTERNATIONAL LAW

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An early occurance of demilitarization dates back to the Middle Ages. Measures requiring the demolition of fortifications and prohibiting their reconstruction are found in peace treaties concluded in Europe in the 17th and 18th centuries.[3, 3]. However, a number of scholars suggest that the golden ages of demilitarization came after the Napoleonic Wars (1799-1815) and during the period of the League of Nations (1920-1946) [1, 2].

The object of demilitarization mostly was a territory, an island or a group of islands (the Pelagian Islands – Lampedusa, Lampione and Linosa; the Aland Islands), which include their land and sea areas (that is, territorial waters). Demilitarization could be of the all the state's territory or covered only the part of a certain territory and encompassed reduction of all millitary activities (general demilitarization) or only limitation on specific types of weapons (part demilitarization). An early example was the 1559 Treaty of Cateau-Cambrésis between France and Spain, which included a prohibition to conduct fortifications in the area of Thérouanne. The peace treaty between Spain and the Low Countries (Münster 1648) ordered the demolition of fortifications in the border regions of Flanders and along the Scheldt River. The treaty also contained a general prohibition against the establishment of military constructions and strategic canals in this region. In 1768, Denmark ceded several islands in the mouth of the Elbe River to Hamburg and it was provided that no military installations were to be built on these islands [3, 3-4], [4]. Therefore,

practical examples of demilitaritarization of territories before the First World War prove that it was based on bilateral or multilateral agreements. Commonly, these treaties regulated the terms of peace after the war and included obligations, which states undertook, provided neither fortification nor creation of any military or naval establishments (Article 11, 14, 49, Article 3 of the Annex VI, Part D of the Anex XIII of the 1947 Treaty of Peace with Italy signed between the Allied nations and Italy which regulates demilitarization of certain geografic areas). Accordingly, such measures were inforced in the form of sanctions: Hervé Coutau-Bégarie noted that "from antiquity it has been common to impose on the defeated party, aside from the surrender of its fleet, the demolition of its fortifications and the denial of access to certain areas" [2, 27]. After the First World War mostly bilateral treaties took place, which were dedicated only to terms of demilitaritarization (the bilateral treaty of 1940 between Finland and the Soviet Union on the demilitarization of the Aland Islands). In addition, a variety of treaties gave a detailed description of the list of non-allowed military measures in a part of the territory, defining it as neutralized. For instance, Article 3 of the 1921 Convention on the Non-fortification and Neutralization of the Aland Islands concerns the specific kinds of prohibited military activities. These led to situation, when a number of treaties provided neutralization, but, in fact, it was demilitarization. Most academics could agree that before the First World War it was almostly the same phenomena.

To summarize all the above-mentioned, demilitarization of territories is a special international law regime, as well as significant instrument for preventing military interstates conflicts. All treaties, which were considered above, represented the legal framework of the functioning of this regime and compiled alternative dispute resolution practice.

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COMPLICITY IN INTERNATIONAL CRIMINAL LAW

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Initially, when individual responsibility was treat for international crimes, not only persons who had personally committed a war crime or crime against humanity were considered perpetrators of such crimes but also persons who had been involved in an indirect fashion, such as by aiding and abetting, by participating in a JCE, ordering, planning, instigating [1], inciting, conspiring such crimes [2], or being in a position of command or superior responsibility.

From the beginning while the terms complicity and aiding and abetting appear to be similar,8 they have been the subject of debate in the ICTY/ICTR jurisprudence. Since the ICTY and ICTR Statutes contain a specific provision with respect to complicity in genocide [3], while at the same time having a general provision of reextended liability which includes aiding and abetting for genocide, the question arose whether these two notions overlap. The answer given was that aiding and abetting is only one aspect of the larger notion of complicity [4] and that in genocide the mens rea for complicity that goes beyond aiding and abetting could possibly be the narrower, specific intent of genocide [5]. It has also been said that complicity in genocide requires a positive act while aiding and abetting in the same crime can be accomplished by failing to act or refraining from taking action.

Liability based on aiding and abetting has not received a great deal of judicial attention. The general concepts related to the actus reus of aiding and abetting, which were summarized by the ICTR in Bagilishema in 2001, have not under- gone much further development; nor have they been applied to a large number of different fact situations. These concepts are:

for an accomplice to be found responsible for a crime under the Statute, he or she must assist the commission of the crime; the assistance must have a substantial effect on the commission of the crime. Further, the participation in the commission of a crime does not require actual physical presence or physical assistance. Mere encouragement or moral support by an aider and abettor may amount to 'assistance'. The accomplice need only be 'concerned with the killing'. The assistance need not be provided at the same time that the offence is committed. The Chamber agrees that presence, when combined with authority, may constitute assistance (the actus reus of the offence) in the form of moral support. Insignificant status may, however, put the 'silent approval' below the threshold necessary for the actus reus.

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1. Judgment, Kordic (IT-95-14/2-A), Appeals Chamber, 17 December 2004, xx 25 28 and Judgment, Mpambara (ICTR-01-65-T), Trial Chamber, 11 September 2006, xx 18-20 for a description of the elements of these three modes of participation; see Judgment, Semanza (ICTR-97-20-A), Appeals Chamber, 20 May 2005, xx 361 364.

2. C. de Than and E. Shorts, International Criminal Law and Human Rights (London: Sweet & Maxwell, 2003), at 8-9 which states: 'These are offences designed to cover situations when a full criminal offence has not yet been committed but was suggested (incitement), agreed to (conspiracy) or begun but not completed (attempt).

3. Articles 4(3)(e) and 2(3)(e), respectively.

4. Krstic Appeals Judgment, supra note 4, xx 137-139 and partial dissenting opinion of Judge

5. Shahabuddeen, xx 65^68; see also Ntakirutimana (ICTR-96-10-A and ICTR-96-17-A), Appeals Chamber, 13 December 2004, x 371 and Blagojevic¤ Trial

Judgment, supra note 8, xx 679 and 784; see, however, the Decision on Motion for Judgment of Acquittal, Milosí evic¤ (IT-02-54-T), Trial Chamber, 16 June 2004, xx 290^297 and Decision on Defence Motions Challenging the Pleading of a Joint Criminal Enterprise in a Count of Complicity in Genocide in the Amended Indictment, Karemena, Ngirumpatse and Nzirorera (ICTR-98-44-T).

THE ROLE OF EUROPEAN INVESTMENT BANK AS AN EU FINANCIAL INSTITUTION

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The European Investment Bank (EIB) is an EU financial institution that provides long-term investment loans that contribute to the balanced economic development of the European Union and its integration.

The EIB is a flexible and cost-effective source of funding, with an annual loan volume of € 26 billion making it one of the largest international financial institutions. EIB was founded in 1958 in accordance with the Treaty of Rome on the establishment of the European Economic Community. Being created to finance the physical infrastructure of EU member states and provide investment in less developed areas of the EU, the EIB has now become one of the world's largest financial institutions in the world.

In the scientific literature, aspects of the functioning of the EIB, including its cooperation with Ukraine, were considered by domestic and foreign researchers such as O.F. Kobyletskaya, VP Kolosov, SV Leonov, T.V. Mayorova, A.O. Petrov, and F.P. Weaver.

Support for regional development is a priority for the bank and two-thirds of all its loans are directed towards effective investment in regions that are slowed down or are declining. The direct benefit of citizens to the EIB's lending activities is to create new companies, new jobs, improve communications and protect the environment.

The Bank's decisions regarding the implementation of the tasks are taken by the following authorities:

- Board of Governors: consists of ministers of the European Union member states (usual ministers of finance or economics).

- Board of Directors: consists of 28 directors: each EU Member State appoints one Director, and one European Commission, as well as Dubliners - all of them appointed by the Board of Governors.

- an administrative committee, which is sitting in Luxembourg under the chairmanship of the president. The members of the committee are appointed by the bank's managers.

- Audit Committee: consists of three members and three observers. It is appointed by the manager for a term of three years.

In the European Union, loans from the EIB receive projects that are designed to:

- support of economic progress in regions with unfavorable conditions;

- improvement of trans-European transport, telecommunication and energy networks;

- increasing the competitiveness of the industry at the international level and its European integration (support for small and medium enterprises);

- environmental protection and quality of life, urban development and protection of the architectural heritage of the EU;

- reliable energy supply;

- Expand and modernize health and education infrastructure and promote urban revitalization within the framework of the Amsterdam Special Program of Action to support growth and employment.

This financial institution carefully evaluates each investment project, not only in terms of its compliance with EU policies but also due to its economic and environmental impact, financial and technical viability. The mechanism of granting loans does not include any system of quotas, determined by strategic priorities and demand of economic entities. Funding by the Bank for the Development of the

Regions is often accompanied by the unconditional provision of grants from the Structural Funds and the EU Merger Fund. Equilibrium of loans and grants encourages even greater cooperation between the EIB and the Commission and involves it in the preparation and implementation of structural support programs.

Unlike other international financial institutions, the European Investment Bank does not have mandatory and functioning safeguard procedures, or procedures that guarantee a high level of protection of the environment and communities affected by its lending activities. As the European Union's strategy is aimed at strengthening the economies of the Member States, their competitiveness and their ability to create new jobs, the European Investment Bank is directing most of its money to hard-to-hit regions and complements the efforts of the Member States and the EU in promoting harmonious economic development. The main areas of financing of the EIB are financing of basic infrastructure and trans-European transport, telecommunication and energy networks. It thus pays particular attention to establishing links with regions neighboring the EU, especially in Central and Eastern Europe. In 1997, the Bank launched its three-year "Amsterdam Special Action Program" to finance health, education, environmental protection, and urban regeneration. In addition, this program provided for new opportunities for venture financing for advanced small and medium-sized enterprises that are rapidly evolving and providing additional support for large infrastructure projects. Currently, the EIB carries out the following operations:

• supports economic development projects in the countries of Central and Eastern Europe, which are preparing for joining the EU;

• cares for intergovernmental infrastructure projects and environmental projects, as well as the development of the non-Union manufacturing private sector in the Mediterranean basin;

• contributes to the establishment of the European Mediterranean Partnership launched at the Barcelona Conference and contributes to the Middle East peace process;

• The 70 states of Africa, the Caribbean and Pacific basins signing the Lomesky Convention enjoy long-term EIB loans, as well as the South African Republic;

• It finances projects of mutual interest in areas such as technology transfer, joint ventures and environmental protection in Asia and Latin America, which have signed cooperation agreements with the EU. The European Investment Bank finances projects by providing loans at the lowest interest rate. The bulk of its resources is received by the bank in capital markets, where its high credit rating allows it to borrow money at the most favorable conditions and use them in favor of project implementers. It is interesting to note that in March 2016, the EIB provided India with the largest volume of loans for the construction of a new subway in Lucknow, the capital of the most populated subcontinent. The funds raised will increase the use of public transport in Lucknow from 10 to 27%, in addition, this infrastructure project will make a significant contribution to the overall development of the city and will be an important step in combating climate change, which will significantly reduce the pressure on the transport network of the city. Another important agreement is the signing of an EIB loan agreement worth 20 million euros for the construction of high-speed internet access in Angola. Consequently, all of the above with regard to the EIB's activities suggests the importance of the functioning of this financial institution for developing countries as sources of funding and support. According to the above information, the EIB's activity is large-scale and provides for the implementation of tasks that require a significant amount of investment.

APPLICATION OF THE MODEL OF MEDIATOR JUDGE FOR RESOLUTION OF ADMINISTRATIVE DISPUTES

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The approval of Ukraine as a European legal democratic state is impossible without reforming the judiciary and the court branch of power. One of the possible tools of such a reform is the introduction of alternative dispute resolution procedures. An important measure in this area, which can not only positively influence on the state of the administration of justice, but also create pluralism of the possibilities of solving various conflicts for citizens, is the introduction of an institution of mediation as an alternative way of resolving a dispute.

Council of Europe standards in the field of justice, particularly in the recommendations of the Committee of Ministers Rec (2001) 9, stressed the benefits of alternatives to litigation disputes between administrative bodies and parties - individuals and recommended member governments to promote the use of alternative means for resolving disputes between administrative bodies and private parties, such as internal review, reconciliation and mediation, settlement through negotiation and arbitration. It is suggested to use such alternative means of resolving disputes both in court trials and during court proceedings, possibly on the recommendation of a judge.

In Ukraine, only the institution for resolving a public-legal dispute with the participation of a judge is introduced today, and the duty of a judge before the trial begins to ask the participants about their desire to reconcile. However, it should be noted that, unfortunately, the procedure of mediation has not yet had its normative regulation, and already existing procedure of resolving of an administrative dispute with the participation of a judge is not without disadvantages. Currently, in domestic legal science, there are only a few works of scientists, among which one can distinguish the works of Yu.D. Pritika, V.L. Musiyaky, L.V. Mamchura, V.O. Zhmudya, N.N. Voplenko, V.V. Lazareva, A.V. Malka, M.N. Marchenko, B.V. Sheindlina, O.V. Gromovy, S.F. Demchenko and others, who analyze approaches to the formation of mediation as an institution, as well as study main characteristics such an alternative procedure, highlights its advantages and disadvantages. However, the issue of the mediator’s legal status is almost not

discussed now, which, accordingly, affects the lack of unified approaches to the model which should be chosen for the implementation of this procedure in Ukraine.

It is accepted to allocate two main models of implementation of mediation to the judicial system - an integrated, in which mediation is conducted in the courtroom by one of the judges-mediators or by the employee of the court, and the external, in which the mediation is conducted outside the court, an independent mediator.

In the world practice, the integrated model has become widespread, for example, in countries such as Australia, Germany, Norway, Finland, as well as Bulgaria, Croatia and some Eastern European countries where the law does not prohibit judges from conducting a mediation procedure.

The judge-mediator's model overall benefits are, firstly, accessibility and affordability. Participation in judicial mediation does not require additional costs for the parties, that is, the mediator may become the so-called "social mediator". Secondly, the psychological aspect of the mediation procedure in the court building plays an important role in the given model. In such circumstances, the parties perceive the procedure and participation in it more seriously. In addition, in the eyes of individuals, a professional judge will always have considerable authority, and the procedure with his participation will be credible.

The practice of conducting a mediation procedure with the participation of a mediator judge has been widespread in modern Germany, Holland and Finland, as well as in some US states. The introduction of such a model took place within the framework of "pilot projects" initiated by the courts, where a group of judges was trained in mediation and served as mediator judges, accepting cases from their colleagues in which the parties expressed their desire to resolve conflicts between them in a peaceful manner.

It should be noted that the introduction of the procedure of mediation, above all, is planned as a means of unloading the judicial system from excessive volume of cases that are pending in domestic courts. Nevertheless, it is widespread in legal community that the conduct of these procedures with the participation of judges may be an additional load for them, which is contrary to the objectives of mediation. But it

should be noted that the mediation procedure is much faster and more efficient than the trial, therefore, even if mediators are appointed to judges, the burden on the latter will decrease, which will allow them to painfully consider other cases. Also, the problem of judges holding unauthorized positions that can also perform the specified functions is currently relevant. In addition, it seems possible to include referees to mediation procedures.

Also, this model is characterized by increased risks for the impartiality of the litigation in the event that mediation is not successful and that the case should be continued. In order to guarantee compliance with the principles of mediation, especially the principles of neutrality and confidentiality, in such cases there is a prohibition on mediation by a judge in whose proceedings the litigation takes place.

Regarding the issue of confidentiality and neutrality of a judge in cases of failure to reach agreement between the parties of the dispute and, as a consequence, the continuation of the trial, we consider referring to the experience of countries that have successfully solved such issues. In particular, on the example of Germany, this issue is resolved by the introduction of a ban on mediation proceedings by a judge in whose proceedings the litigation is taking place. We believe that such measures can be implemented in Ukraine, and appropriate innovations need to be fixed in the legislation on mediation.

In addition to the potential shortcomings, the integrated mediation model is characterized by a number of advantages, among which the following should be emphasized: expansion of the judicial system's ability to resolve conflicts; contribution to the culture of conflict resolution in society; obtaining additional knowledge by judges in order to improve their qualifications and their competence in the field of work with emotions; reducing the financial and social costs of the parties to the trial.

Of course, introduction of a mediator judge is a justifiable measure in terms of efficiency (courts as institutions already exist with a certain material and technical base). The indicated innovation does not contradict the requirements of the Law of Ukraine "On the Judiciary and the Status of Judges", since the judge, in such a case,

will perform unpaid work within the framework of his judicial activity. Another important advantage of the introduction of the position of the mediator is that the Ukrainian society is ready to accept new institutions within the existing system, but is not prepared to accept the new procedure openly and impartially.

THE CONCEPT OF SOCIALLY DANGEROUS CONSEQUENCES OF A CRIME

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Every human action causes changes in the surrounding reality. The antisocial character of a crime is manifested in the fact that it arouses different harmful consequences; the crime does not end only with the commission of an action or inaction, it continues further, including the damage caused by this behaviour. The harm caused by the crime often leads to the need to prohibit the corresponding act and establish criminal liability for its commission.

The social danger of the consequences of a crime is one of the main indicators of the degree of danger of an act, which directly determines the severity of criminal responsibility and punishment. It appoints the importance of a technically correct and accurate description of such consequences in the law.

The concept of criminal consequences in legal literature was discussed more than once. At the same time, the solution of a number not only theoretical, but practical (both for the legislator and the law enforcer) issues, including those directly related to clarifying the place of criminal consequences within crimes: some authors include them in an objective side of a crime, others see as a characteristic of an object of a crime, some see criminal consequences as a link between the objective side and the object of crime. Different opinions are also expressed over the possibility of the existence of crimes without consequences, which also determines a controversial question of the existence of so-called «formal» offences.

In the theory of criminal law, a unified notion of criminal consequences is also not formulated as a whole. For instance, N.F. Kuznetsova defines them as «harmful changes in the public relations protected by criminal law, caused by criminal action or inaction of the subject of a crime».

V.N. Kudryavtsev considers criminal consequence as a «material and non-material harm provided by criminal law caused by a criminal action (inaction) to the object of a crime − public relations protected by law and their participants».

A.S.Mikhlin understands criminal consequences as «the harm caused by the human criminal activity to public relations protected by criminal law».

N.I. Korzhansky believes criminal consequences to be an unlawful change in social relations, constituted by the complete or partial, temporary or permanent difficulty in or the elimination of the possibility of subjects of social relations to pursue their interests.

E.A. Frolov defines criminal consequences as «damage to a social relationship which is protected against such damage by criminal law».

Thus, socially dangerous consequences can be defined as harm (damage) that is caused by a criminal act to public relations protected by criminal law, or as a real danger (threat) of causing such harm.

Consequences have important legal implications. The socially dangerous consequences are significant for defining a material sign of a crime − a social danger. The legal significance of socially dangerous consequences is manifested mainly in the fact that they are:

a) one of the most important grounds for the criminalization (decriminalization) of the act;

b) a feature on the basis of which the delimitation of a crime from other offences is carried out;

c) a circumstance that is taken into account by the court when imposing punishment on the guilty person within the limits of the sanction of the relevant article of the Criminal Code (for example, in paragraph 5 of Article 41 of the Criminal Code, grave consequences are described as aggravating circumstances).

RELEVANCE OF SAS IN THE FACE OF UNCERTAINTY

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Making decisions is something that every person faces. Decisions can be both daily-local and strategic-global on which much can depend. There is a whole theory of decision making which consists of two sections [1]:

1) Decision making under certainty;
2) Decision making under uncertainty.

Decision making under uncertainty includes decision making under conditions of complete or partial lack of information firstly.

Sometimes it is difficult for a person to make a decision under certainty because the human brain cannot adequately take into account and adequately compare large amount of data.

In the face of uncertainty, this task becomes even more difficult because of the probabilities and assumptions [3]. This is important for businesses where the success of a company depends on the decisions of top management. Therefore, decision support systems (DSS) are increasingly in demand and every year, interest in them will only grow, because thanks to high-quality DSS, a company gains significant competitive advantage.

There is a number of works devoted to the development of DSS in the face of uncertainty.

In [4] the development of DSS based on game modeling in conflict situations is considered. It describes the interaction of competing management mechanisms and interaction of random factors, taking into account the functions of players' winnings.

Demurin in his article considered the example of multi-criteria intellectual choice in the face of uncertainty using the hierarchy analysis method [5].

Hany M. S. presents a novel decision support system for handling uncertain climate data consolidated with SAS application system. This novel approach is based on the membership function and multidimensional analysis [6].

In order to support policy makers to make a strategic selection between different measures in a DSS while taking uncertainty into account, a methodology for the ranking of measures has been developed. The methodology has been applied to a pilot DSS for flood control in the Red River basin in Vietnam and China. The decision variable is the total flood damage and possible flood reducing measures are dike heightening, reforestation and the construction of a retention basin. The methodology consists of a Monte Carlo uncertainty analysis employing Latin Hypercube Sampling and the ranking procedure based on the significance of the difference between output distributions for different measures [7].

All these DSS are focused and applicable in limited conditions. In addition, some of them are very resource intensive.

Objective: to propose a model for the development of DSS in conditions of uncertainty, which will be more variable in using and not too resource-intensive. This can be done using the methods of expert assessments and the dynamics indicators.

Methods of expert assessments were chosen because they are suitable for the following cases [8]

1) When an object or phenomenon, either fully or partially, defies objective description or mathematical formalization;

2) In the absence of sufficiently representative and reliable statistics on the object characteristics;

3) In conditions of high uncertainty of the object operating environment, especially the market environment;

4) With medium and long-term forecasting of new markets, objects of new industrial areas subjected to the strong influence of innovation;

5) In cases when time or funds allocated for forecasting and decision making do not allow to investigate he problem using formal models;

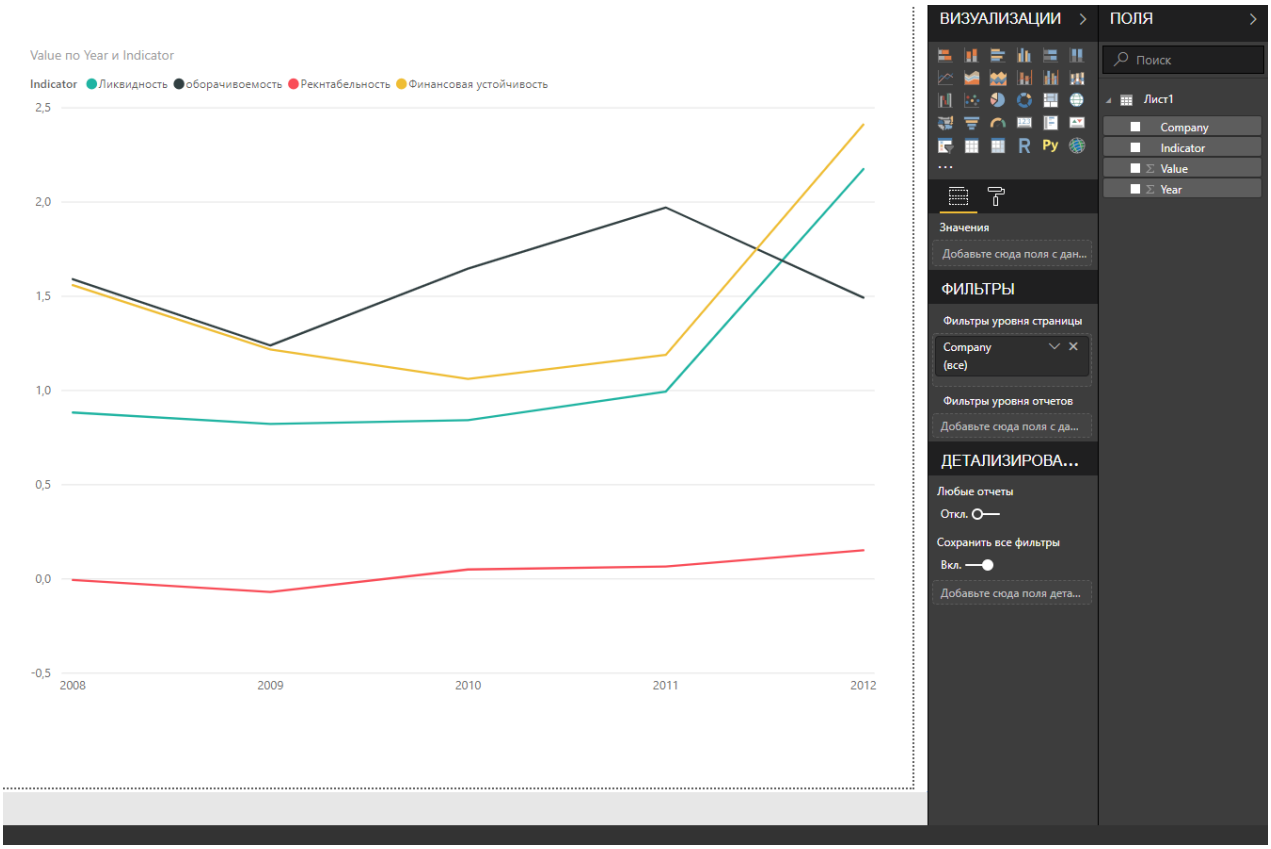
6) There are no necessary technical means of modeling, for example, computer equipment with appropriate markers.

Methods of expert assessments are required to determine the criteria, according to which, the phenomenon of interest will be analyzed and evaluated.

The analysis is performed using relative indicators of the dynamics of series. Relative dynamics indicators include: growth rate, gain rate, average growth rate, and average gain rate. These indicators characterize the intensity of changes in the levels of the dynamic range over time. They are expressed in the form of a coefficient (in calculations) or in percent (in analysis). They answer the question of how many times or how much, for example, percent (i.e., how quickly) the level of the series changes during the time of research in relative terms.

An adequate analysis requires a powerful analytical tool. The example in Microsoft Power BI (Fig. 1) will be shown.

The figure shows a serious change in performance in 2011. Analyzing the phenomenon of interest with the help of the proposed methodology, we can identify a pattern. After that, for significant indicators, it will be possible to develop a scale of values that will show the probability of occurrence or non-occurrence of a phenomenon, evaluate its level, depth of manifestation, etc. The final result will be displayed in the form required by the decision maker.



DEMOCRATIC PLATFORM AT THE XXVIII CONGRESS OF THE CPSU

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The crisis of the CPSU clearly manifested itself at the XXVIII Congress of the CPSU, which took place on July 2 - 13, 1990. At this congress, a part of the communists, united in the Democratic Platform of the CPSU, came into conflict with the Central Committee of the CPSU. After the congress, the activists of the DP began to leave the CPSU.

Among the members of the Central Committee of the CPSU it was Alexander Yakovlev, who supported the Democratic Platform, which moved to the social-democratic position. But the majority of the Central Committee, headed by Mikhail Gorbachev, remained on the communist position and opposed the DP.

An important issue that caused disputes between the Democratic Platform and the platform of the CPSU Central Committee was the nationalities question and the future of the USSR. The DP advocated the transformation of the USSR into the Union of Sovereign States. The CPSU Central Committee opposed the Union's reform. Part of the supporters of the DP allowed the possibility of the collapse of the USSR.

On July 6, 1990, the General Secretary met the secretaries of the primary party organizations. Among those who worked directly in the party groups, the Democratic platform had the majority of supporters in contrast with the party top leaders: district committees, city committees, regional committees' secretaries. Out of 850 participants in the meeting, 450 were members of the DP. Ukrainian Demplatformers were particularly active in criticizing M. Gorbachev.

Thus, during the meeting Alexander Ilnitsky criticized the draft of the new CPSU Statute. M. Gorbachev had to admit the presence of undemocratic items in the draft of the Statute.

The meeting lasted for about two hours, but it was not enough to clarify all the issues. After completing the official reports, Ukrainian Demplatform member, a secretary of the party committee of Kyiv University Volodymyr Polokhalo also delivered a speech. He demanded to fix in the new Statute the right of communists to unite on platforms and received consent of the General Secretary. The delegate informed about the initiative of the Ukrainian party clubs, who initiated the "Unification Platform".

Grigory Omelchenko handed M. Gorbachev a special issue of "Democratic Choice" with "Unified Platform" along with the sign "Democratic Platform". On the meeting, Y. Chekhovy wrote a report that was published in "Evening Kiev".

The publication reported that V. Polohalo also suggested to M. Gorbachev in his final speech to pay attention to the sabotage of the party apparatus decisions of the XIX All-Union Party Conference, January (1987) and February (1990) plenum of the Central Committee of the CPSU. It was this sabotage, in the opinion of the delegate that resulted in the slowdown of the pace of reorganization and socio-political

aggravation. The responsibility for the failure in reorganization the apparatus tried to translate exclusively to the center and the General Secretary himself.

Boris Yeltsin supported the DP during the congress. He left the CPSU in protest against the Central Committee. Although Yeltsin did not belong to the DP, he shared her social-democratic views.

A. Yakovlev said that it is necessary to simultaneously democratize the CPSU and preserve party unity. In this issue, he broke up with the DP.

At the end of the congress, most supporters of the DP declared their departure from the CPSU. But simultaneously with the split in the CPSU a split occurred in the DP. A part of the members of the DP, headed by G. Gusev, formed a group of communist reformers who, after the congress, remained in the CPSU. After the congress, the supporters of G. Gusev entered the Marxist platform of the CPSU.

The Democratic Unity group headed by V. Polokhalo also left the Democratic platform. The members of the Delegation remained in the CPSU. Especially popular Democratic Unity was in Ukraine. Later, delegates from Russia, other republics of the USSR began to join the Ukrainian core of the Democratic Unity.

The Democratic platform had 110 people from 4657 participants of the congress. The democratic platform offered the CPSU to start a transition to social democracy.

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PROBLEMS OF COMBATING MONEY LAUNDERING AS A THREAT ON A GLOBAL SCALE

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Today in the world one of the most serious threats on a global scale is the threat of money laundering and the financing of terrorism, since this problem affects not only the socio-economic sector, but also the issues of general security, international relations, and the fight against world criminality in general. Over the past half century, deregulation has significantly increased the acceleration and deepening of the global integration of financial markets, along with unprecedented technical progress, have been a catalyst for the intensive growth of illegal money laundering, which was obtained by criminal means by transnational criminal organizations. Recently, the number of intercontinental transactions has been increasing at an amazing pace. Today, faceless employees of commercial enterprises can push huge financial flows from one end of the world to another by pressing the button of a computer mouse. In addition, differences in national jurisdictions, a variety of different financial instruments, banking operations, international mortgages, the growth of scientific and technological progress, and the development of information technologies and means of communication create favorable conditions

for transnational criminal corporations in the field of laundering illegal money. Against the backdrop that national law enforcement authorities often fail to deal with such attacks, which often have the character of cross-border operations.

Based on this, it is obvious that close international cooperation and the adoption of international legal acts that could effectively solve this problem play a decisive role. The need to create an effective system to combat money laundering around the world has led to the creation of the FATF (Financial Action Task Force) – an intergovernmental body established in Paris in 1989 by G-7 ministers. The objectives of the FATF are to set standards and promote the effective implementation of legal, regulatory and operational measures to combat money laundering, terrorist financing and other related threats to the integrity of the international financial system. The FATF has developed a series of Recommendations that are recognized as an international standard for combating money laundering and the financing of terrorism, and the proliferation of weapons of mass destruction. They form the basis for a coordinated response to these threats to the integrity of the financial system and help to ensure equal playing conditions. These 40 recommendations are generally accepted international standards in this area. Given the specificity of individual regions of the world, 8 regional organizations are associate members of the FATF.

As for the rigid legal treaties of the universal level, they were concluded under the auspices of the United Nations, such as the 1988 UN Convention on Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. The UN General Assembly adopts a 1998 Resolution that introduced the Global Programme for Combating Money Laundering (GPML), as well as the 1999 Convention on Combating the Financing of Terrorism (ICERD), the United Nations Convention against Transnational Organized Crime (UNCTOC) 2000. The treaty and its protocols and the 2003 United Nations Convention against Corruption (UNCAC) contain analytical provisions aimed at preventing and combating money laundering and the financing of terrorism. In particular, on November 8, 1990, the Strasbourg Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime was adopted. It should be considered in more detail because it was in this

Convention that the fundamental principles of countering the legalization of proceeds from crime were laid. The European Convention embodies the systematic and terminological approaches that were enshrined in the 1988 UN Convention, while changing, refining and clarifying them. The Council of Europe document contained more stringent obligations than those enshrined in the UN Convention.

Transnational criminal organizations use violence, corruption, and the dirtiest methods of influence to penetrate the legal sectors of the economy. In fact, criminal organizations cannot use the dirty money in full until they have passed the stage of washing. Such incomes are masked to make it appear that they are of legal origin. Therefore, opposition and international legal regulation in this matter remains relevant today. Transnational criminal organizations undermine international economic security, destroy international relations, finance terrorism and set a goal to strengthen their position in the international arena through their criminal activities. An effective struggle with this phenomenon is possible only with the unification of the efforts of the world community and the creation of the necessary international legal and organizational foundations. Transnational criminal organization have become sustainably structured, well-organized associations that provide prohibited services, sell prohibited goods or sell non-reserved goods and services in prohibited ways, and operate in several countries with a high capitalization of financial resources that can be evened out budgets of some countries. Only this fact alone should already attract the attention of the entire world community, because of the fact that illegally earned money makes up 5% of the total world gross product, which in figures amounts around to $ 1.5 trillion per year.

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AN ACTION FOR SPECIFIC PERFORMANCE AS A WAY TO ENSURE THE PERFORMANCE OF OBLIGATIONS INEXTRICABLY LINKED WITH THE CONTRACTOR

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The right to judicial protection enshrined in the Constitution of Ukraine is one of the most important guarantees of restoration of violated subjective rights and interests of individuals. The methods of protection enshrined in the Constitution of Ukraine have found its further detailing at the Civil Code of Ukraine. In particular, we are talking about ways to protect civil rights in court, provided in Art. 16 of the Civil Code of Ukraine. One of such ways of protecting civil rights is specific performance, which should be investigated in the context of the protection of civil rights with respect to obligations that are inextricably linked with the contractor.

It should be noted that there are no legal obstacles to protect civil rights with respect to obligations that are inextricably linked with a contractor by means of specific performance. Therefore, we consider it necessary to study this issue in other countries.

In France and in the countries where the Napoleonic Code was accepted, there was a clear distinction between the consequences of a breach of the obligation to

transfer something and the obligation to do something or to refrain from any action. The action for specific performance is taken only with respect to the first type of obligations. This applies primarily to claims for the transfer of individually defined things. As for the second type of obligations, in accordance with Art. 1142, the Civil Code of France, failure to fulfill an obligation only gives the right to damages. K. Zweigert and H. Ketz point out that the basis of this rule is the idea that a person is a freely and responsibly acting individual and cannot be forced against his/her will to certain behaviour by the state.

In Germany, a lawsuit for specific performance is common and widespread. Moreover, there is no difference as to whether the court will oblige the debtor to deliver the goods sold, to release the illegally occupied apartment, or to fulfill obligations in the field of art. That is, §241 of the German Civil Code states that a creditor by virtue of a binding relationship shall be entitled to "demand from the debtor the performance of the contract", which means that it is also possible to demand the protection of rights in court which can make a corresponding decision aimed at enforcement of the contract. But a decision concerning specific performance can be made by court only if the debtor is able to do so.

In English common law, an action for specific performance is possible in some cases. Currently, it is recognized that the court should not order specific performance; this decision is at the discretion of the court. Such a decision can be made by court only in cases when damages do not protect the interests of the creditor in full, for example: the execution process is difficult to control, the execution is of a personal nature, the execution is very complex and is related to inadequate costs and efforts of the debtor, the execution has become impossible, contractual conditions do not allow unambiguously and clearly establish the procedure for execution, execution is free of charge, as well as in some other cases.

We can conclude that there is no single approach to specific performance. Domestic civil law does not impose obstacles to the protection of this kind of civil rights by means of awarding specific performance. However, the specificity of

creative activity involves free and inspired work, which is not in any way consistent with the enforcement of a court decision awarding specific performance.

Thus, it can be summarized that the only way to protect the rights with respect to personal obligations connected with work performance is to pay damages in cash equivalent.

THE ELECTRONIC MEDIA AS A SOURCE OF EVIDENCE IN CRIMINAL PROCEEDING OF SEVERAL EUROPEAN STATES

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The development of information technology greatly affects all spheres of public life. Criminal justice is not an exception. Regulated sources of evidence and procedural tools for their reception can no longer ignore the enormous amount of electronic data containing unique information for crime disclosure. At the same time, each legal system adapts to modern conditions in different ways. Taking into account the similarity of the legal systems elements within the continental legal family, from a comparative point of view a special value is the experience study in the field of electronic evidence of such countries as France, Germany, and Italy. The experience of the post-Soviet countries (Latvia, Lithuania, and Estonia), which achieved some success in the implementation of European human rights standards, is of equal value. The study of such experience provided the opportunity to formulate conclusions while simultaneously identifying common trends and the most pressing problems of electronic evidence using in the field of criminal justice.

The procedural laws of France, Germany, Italy, Lithuania and Estonia do not distinguish electronic or digital evidence as a separate procedural source. The procedural codes of Italy, Lithuania, and Estonia refer electronic information to documents. Only in the Latvian procedural law electronic evidence is established as a separate procedural source and its definition is provided. At the same time, the laws

of each state have rules that can be applied to evidence information from electronic media. As the foreign experience shows, the fixing of electronic or digital evidence as a separate procedural source is not a determining factor in the formation of effective tools for obtaining evidence in electronic form. The main determinants of effectiveness are, on the one hand, the accuracy and consistency of the rules dealing with the settlement of certain procedural actions, and, on the other hand, the uniqueness and adaptability to the electronic form of fixing the results of their conduct. Consequently, the normative fixing of the definition of electronic or digital evidence is not a panacea.

Obtaining evidence from electronic media clearly demonstrates the problem of private and public interests balancing. In this regard, the concept developed by the Constitutional Court of the Federal Republic of Germany deserves attention, according to which: (a) the object of legal protection of the correspondence privacy is not the property of information (its static or dynamic nature), but its content; (b) changing the "location" of information (telecommunication network or medium), its contents do not change, and therefore the connection with the privacy of the person is not lost.

One of the most common tools for public information obtaining from electronic media is the request for obtaining data stored by telecommunication services providers. The differences in the legal regulation of the tool may arise extremely sharp in international cooperation. In particular, the information requested by the foreign body of inquiry can be not collected by providers or it can be removed in connection with the expiration of the storage terms. Therefore, in our opinion, the idea of procedures unification for the collection and storage of telecommunication information seems to be absolutely justified.

The question of the legality of the Trojan programs use for obtaining evidence is especially relevant. The work of such viral software can be found in the search, storage and transmission of: a) information stored in the information system (online search); b) data from the "environment" regarding the information system (online surveillance). If in the first case the information system is used as an electronic

medium, then in the second one – as a technical means of covert fixation. Unlike online searches, the data obtained during online interception does not restrict the information stored on electronic media. This, in turn, could not but affect the procedural mechanism of the relevant actions and their regulation in the legislation of different states.

The possibility of deleting data without the knowledge of their disposer, established in the Latvian procedural law, appears controversial. Without excluding the expediency of such a power as a preventive measure (for example, in order to prevent a crime from using stored information), we cannot agree with the presence of a similar interest in the evidence activity. If the information is relevant for the investigation, i.e. it is evidence, then there is no sense in its removal; if it does not have such significance, then the investigating authority has no legal basis for any actions with it.

DEUTSCHES UND AMERIKANISCHES HOCHSCHULWESEN IM VERGLEICH

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Der Vergleich beider Systeme erfolgt nach den kulturellen und strukturellen Grundlagen hinsichtlich der Rolle des Staates und der Konzeption der Bildung, da diese beiden Kategorien einen maßgeblichen Einfluss auf die Ausgestaltung der beiden Hochschulwesen ausüben.

Bei der vergleichenden Betrachtung der beiden Hochschulwesen fällt hinsichtlich der Rolle des Staates grundsätzlich auf, dass im deutschen Hochschulsystem ein starker staatlicher Einfluss vorherrscht, der in Form vielfältiger gesetzlicher Regelungen zu erkennen ist. Im amerikanischen Hochschulwesen besteht hingegen lediglich ein schwacher staatlicher Einfluss. Hier wird vielmehr auf die regulierende Kraft des Wettbewerbs vertraut. Hinsichtlich der Konzeption der

Bildung im Hochschulbereich herrscht in Deutschland im Allgemeinen ein eher auf Wissenschaft fokusiertes, „exklusives“ Bildungsverstandnis vor, in den USA − ein eher praxisorientiertes, „inklusives“ Bildungsverständnis [1]. Die damit aufgespannten Vergleichskategorien werden nun nacheinander in ihren kulturellen wie strukturel-len Ausprägungen näher erläutert.

Der kulturelle Hintergrund des starken staatlichen Einflusses in Deutschland liegt im gesellschaftlichen Vertrauen in den Sozial- und Wohlfahrtsstaat. So wird der Staat in Deutschland allgemein „als Makler zwischen den Interessen und als gerechter Umverteiler des Bruttosozialproduktes“ angesehen und geachtet. Dem Vertrauen in staatliche Maßnahmen und Regelungen liegt hierbei die Angst vor den Auswüchsen der Freiheit zugrunde. Im Bildungsbereich wird das Vertrauen in den Staat zusätzlich durch die Humboldtsche Vorstellung des Kulturstaates be-stärkt.

Mit dieser Einstellung zum Staat geht zugleich eine Systemorientierung einher, die sich beispielsweise im Bildungsbereich in einer flächendeckenden, gleichartigen Versorgung durch aufeinander abgestimmte, miteinander verknüpfte, auf der Grundlage gleicher Regeln arbeitender Systemelemente“ zeigt. Ein weiteres Merkmal des deutschen, staatlich regulierten und administrierten Systems ist die geringe Eigenverantwortung, die von den jeweiligen Akteuren übernommen werden muss. Zugleich hat die staatliche Gewährleistung eines Studienplatzes für jeden qualifizierten Studienbewerber in Verbindung mit der seit den 1970-er Jahren bestehenden Studiengebührenfreiheit dazu geführt, dass ein Studium in Deutschland als Recht seitens der Studierenden begriffen wird.

Diese kulturellen Charakteristika der Einstellung zum Staat im deutschen Hochschulbereich finden ihre strukturelle Entsprechung zunächst in den allgemeingültigen rechtlichen Regelungen des Hochschulrahmengesetztes (HRG). Für die Hochschulen bedeuten die zahlreichen staatlichen Vorgaben und Regulierungen eine Einschränkung der Hochschulautonomie. Die daraus resultierende hohe institutionelle Abhängigkeit drückt sich in weitgehender Fremdbestimmung durch den Staat in Fragen der Finanzierung, der Organisation, der Personalanstellung, der Positionierung gegenüber anderen Hochschulen oder auch der

Einführung von Reformen aus. Damit einhergehend besteht eine starke Inputorientierung an deutschen Hochschulen, die wiederum von staatlicher Seite aus geregelt wird. Nicht zuletzt entspricht das der Tatsache, dass eine offene Leistungs- oder Ergebnisdifferenzierung in diesem System nicht erwünscht ist.

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WITNESS PROTECTION IN GERMANY

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Whereas effective investigation and prosecution of crime is not possible without witness testimony, making full use of such evidence is a real challenge to criminal justice systems. This is because many witnesses are intimidated by those against whom they are called to testify. While in most cases this does not lead to them facing life-threatening situations, the lives of some may actually be in danger, in particular in cases involving organised crime.

The state protects witnesses in various ways, sometimes going as far as to relocate them and give them new identity through participation in witness protection programmes (WPPs). This tool is however used only in exceptional cases, with admittance governed by strict, objective criteria.

The number of jurisdictions operating such programmes has grown exponentially in recent years, which has been linked to the increase in activities involving organized crime. EU Member States (MS) are part of this trend, with some

countries having established sophisticated programmes in this area, which is not harmonised at EU level [3, 1-2].

The use of state's witnesses (staatszeugen) in Germany – sometimes known as crown witnesses (Kronzeuge) – evolved out of earlier experiments in trials of those accused of terrorism (Greer, 1995). The prosecution case against the so-called BaaderMeinhof gang hinged upon crown witness testimony provided by an associate of the group, one Gerhard Müller. However, it was somewhat later, in the mid-1980s, that this type of evidence became systematically used in the trial process, and then in the context of Neo-nazi groups (Kolinsky, 1988).

Germany has specific legislation governing the operation of their witness protection programmes. The WPPs in Germany was created by Witness Protection Harmonisation Act in 2001. Some norms of Code of Criminal Procedure (StPO)also regulates witness protection such as Section 68, Section 68b, Section 223, Section 247, Section 96, Sections 110 b and 110 d.

Germany has several regional and local programmes now. Police witness protection units based at the regional level. Only in rare cases would the Federal Bureau of Investigation be involved (BKA). Normally the police and in particular the bureau of the protection of witnesses which is located in every region.

Who is eligible for protection? A person crucial to criminal proceedings who faces serious danger if they testify and is suited to witness family members or others close to witness and are suited to witness protection.

Witnesses are admitted according to a set of predetermined criteria, including: the level of threat to the witness's life (the key element); the importance of the case; the decisive relevance of the testimony for the prosecution; the impossibility of obtaining the information from another source; the personality of the witness and their potential to adjust to a new life; the family situation of the person (in particular the number of family members to be covered by the programme) [2, 8].

During the criminal proceedings, and afterwards, the witness protection regulations of preventive law, i.e. of police law, also apply. Such measures may be, for instance: psychological care of the witnesses and advice on conduct; the witness

is provided with police protection for a longer period, in other words monitoring and escort by police officers working openly or under cover; the witness is given a new identity, in other words a new name and new identity documents, a new home, a new job, perhaps in another state or abroad; he/she receives assistance and money for a temporary period to build a new life, in particular a new profession [1, 103-104].

Given that the evidence provided by witnesses is vital to the effective investigation of crime and in building a case against the accused, facilitating witness co-operation is a key objective of all criminal justice systems.

Effective witness protection is indispensable to detect and suppress organized crime. Witness protection is a task not solely for the judiciary and the police, but for society as a whole, in particular for all state bodies, which need to accept and support the witness protection measures implemented by the judiciary and the police.

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PRINCIPLES AND STAGES OF ANALYSIS OF TRANSLATION OF KEY LEXICAL UNITS OF TEXTS ON MILITARY TOPICS

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Literary works on military topics have been of interest to writers and readers since ancient times and they haven't lost their relevance even today. Military novels gain particular popularity in the war and postwar periods, although even in peaceful times, the interest in this topic is quite high. The theme of war can be the leading theme of the work, or the author can add microinclusions of references to the war topics into the work on another theme. The translation of these works is important for promoting anti-war humanistic guidance, facilitating the formation of pacifist directions in society through images of war as a phenomenon, which carries the threat to mankind, society and a separate individual. Thus, such literary works as well as their translations contribute to the formation of anti-war identity.

For our analysis we have chosen a work*"The Book Thief"*, by Marcus Zuzak, its translation into Ukrainian «Крадійка книжок» by Natalia Goïn and its translation into Russian «Книжный вор» by Nikolay Mezìn.

To realize the goal, we have analyzed all thematic phrases and all the phrases related to the theme "WAR". For this we have used the method of text interpretation, which allowed us to identify the chosen work as the one, that belongs to the military theme, thus defining the context of the implementation of the selected phrases; using referencial analysis method we were able to correlate a specific phrase to the concept "WAR" and macrotheme "WAR"; using the continuous sampling method we have singled out all the tematized phrases that correspond to the concept "WAR", and therefore belong to the macrotheme "WAR"; the method of ideographic parametrization was necessary to segment the conceptual space according to conceptual notional characteristic and to single out the microthemes, that the macrotheme "WAR" covers in the text of the novel.

Reference bases were found to be explicit and implicit, for example:

1) *What's the worst that can happen, apart from all of us being flattened or fried or whatever* ***bombs*** *do?*

The lexical unit *bombs* is an explicit base of the reference.

2) *There was already a smattering of air-raid* ***shelters*** *in Molching.*

In the example (2), the nomination *shelter*, on the other hand, is an implicit reference base, since its connection with the concept and the macrotheme may only be established in the context of the work "*The Book Thief".*

With the method of continuous sampling, we have selected the lexical units that are the bases of the reference from the chosen thematical phrases. The set of such units, united by a common microtheme, is called a lexico-thematical group. For example:

3) *Cleanup* – in this phrase, there is a reference to clearing the rubble, that is the consequences of military actions, and therefore we distinguish the microtheme "*military actions*".

4) *Communist* – this term is used to characterize a supporter or member of a communist political party, so it can be attributed to the microtheme "a political basis of military actions".

5) *Scratch things together* – this phrase is about a difficult financial situation that forces people to make ends meet, thus we have the microtheme "economical aspects of the martial law".

6) *Scream* – this lexical unit is carrying reference to the loud sounds, which human beings produce under the influence of strong emotions, mostly negative, so it belongs to the microtheme "human suffering in the military time".

Such principles and stages of work allowed us to collect the material, which will be further subjected to comparative analysis in the translation study.

FORMATION AND DEVELOPMENT OF THE MUNICIPAL LEGAL DOCTRINE IN BELGIUM (XVIII-XX CENTURIES)

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The process of Ukraine's integration into the European space aims at finding effective models of peaceful resolution of conflicts that exist in interethnic countries.

Therefore, the formation and development of a municipal legal doctrine in Belgium for three centuries allows us to speak about achieving a compromise between the interactions of all levels of public power, effective functioning of the model of regionalism for both, the EU-countries, and for our country in particular.

The problem of successful relationships between central and local authorities rooted in the depths of the ages. Despite of the wide experience, none of the EU-countries completely resolved on this issue. However, in the EU-countries, they effectively use quite successful models of such interaction for centuries. The development of such relationships has led to the development of models (systems) of local self-government. One of the main municipal legal theories (local self-government theories) is known as the theory of a free community, according to which an autonomous and independent community has an inalienable natural right to manage its affairs. It is reflected in the provisions of the Constitution of Belgium of 1831 on the special power of the "community", as well as in the articles of the Constitution of 1849, developed at the Frankfurt National Assembly on the special rights of communities. The consolidation in the Belgian Constitution of the provisions on which the municipality, under which it was understood as a public self-government, was recognized as a special branch of power along with executive, legislative and judicial. And this is no contingency, since a year earlier, in 1830, at the National Constituent Congress of Belgium, the power of the communities was opposed to the other three branches of government, relying on the thesis that "the community is the primary state; the law finds it, but does not form", which has been applied in practice by the way. It is this theory of a free community that initiates the principle of using local customs and traditions in the organization and activities of local self-government bodies, as affirmed by the practice of using the model of local self-government in Belgium to date.

In the XX century, due to substantial changes to the Constitution, there was the transition of Belgium from the unitary state to the federal, which in turn consists of three associations - French, Flemish and German-speaking, and three regions - Walloon, Flemish and Brussels, was accompanied by substantial reforms in the

system of all the authorities. The formation of federation and "linguistic" regions influenced the order of formation and structure of higher state bodies and the formation of new ones. However, experts believe that local self-government bodies should not only express the interests of the inhabitants of the regions and take into account their traditions, but also promote the manifestations of the initiative of all sections of the population.

Due to constitutional reform, cultural societies were transformed into groups (changes to the Belgian Constitution in 1980), as well as councils on cultural affairs in groups were transformed into councils and executive bodies whose powers were determined by law. For example, the legal status of the German-speaking group was changed (1983) and turned into a Council with an executive body with relevant competencies, but somewhat narrower than the executive boards of the French and Flemish factions, nevertheless the Council of the group was directly elected by the citizens of that group. Later, the question was settled on the legal status of the Brussels Capital Region, its organs and structures. The Belgian Constitution also contains special provisions governing relations between groups and regions.

According to the amendments to the Constitution, the legislative initiative has the members of parliament and the executive, and the very procedure for passing the bill through the chambers of the Senate, thanks to this, is carried out in shorter time. When it comes to adopting a law affecting the interests of groups, the "alarm call" procedure can be applied, which can only be used once (the bill is passed to the Council of Ministers, which makes a substantiated resolution and proposes to the relevant parliamentary chamber to express its opinion). All this affirms to the flexibility of the system of state authorities in the field of their correspondence with the real distribution of powers between the central and regional levels, which may also be relevant for interethnic Ukraine.

In this case, the first and only Constitution of Belgium (1831) is valid until today, taking into account the large number of amendments that were adopted in 1893, 1920, 1970, 1980, 1988, and 1993. The final version of the Constitution was approved in 1994, despite the fact that the ways, in which amendments to the

Constitution are made, it is relatively rigid. According to recent changes, the two-chamber parliament (House of Representatives and Senate) has been preserved in Belgium, but the parliament and government have become federal bodies. According to Belgian experts, the structure of the Senate (the forum of communities and regions) really reflects the bipolar structure of the Belgian state, without neglecting the regional factor. The King (who retained wide powers, but has no personal authority) and the Federal Government exercise the executive power in Belgium. The formation of the government is carried out on a parity basis (equal to the number of French and Dutch-speaking ministers). The new Constitution found the post of Prime Minister. Consequently, in the process of gradual changes to the Constitution of Belgium, not only the higher authorities of the state were reformed, but also new, which have unequal powers, formed in different subjects of the federation (groups and regions). Thus, the model of "dual federalism" was formed in the process of transforming the state system.

Summarizing the above, we can conclude that the formation of the municipal legal doctrine of Belgium during the XVIII-XX centuries, the transition of the state from unitary to federal one, greatly enriched the traditional mechanisms for the constitutional-legal doctrine to resolve conflicts between public authorities, made it possible to achieve interethnic compromises on the super national level.

APPROACHES TO DETERMINATION OF EMOTIONAL STRESS

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The basis of the driving process is the functional system created in the cerebral cortex cells, which provides modeling of objects of the outside world and fine tuning of the coordination of movements to a constantly changing environment. The emotional state of a person is a multifaceted person's reaction to the various influences of the physical and social environment. Excessive density of incoming

information determines the possibility of late timing of its perception and processing, leads to vivid emotional reactions and the adoption of false or delayed decisions.

An important point in assessing the driver's state is the level of his emotional stress. There are two types of mental tension: hypermobilization (increase in excitation) and the development of inhibition processes. With a prolonged stress-factor, excitation can be transmitted into inhibition. Studies have shown that for each activity there is a certain optimum of emotional stress, in which the driver's reactions appear to be the most perfect and effective. Reducing the emotional tonus, which can occur as a result of insufficient information coming to the driver, leads to the appearance of nap, loss of vigilance, slowing down of the reaction and other unpleasant consequences. On the other hand, an excessive emotional stress, the main reason for the formation of which is the emergence of a threat factor for life, disrupts the driver's activities, making them difficult. Therefore, monitoring the dynamics of the emotional stress can predict possible deterioration of the human performance before it affects the driving performance. External signs that characterize the degree of the emotional stress are excessive compression of the control gear, the appearance of sharp, disproportionate and uncoordinated movements, narrowing of the driver's attention field and the difficulties experienced when it is necessary to move it.

There is a close relationship between the level of emotional stress and involuntary displacements of such physiological indicators as heart beat rate, the frequency and depth of breathing, the frequency-amplitude spectrum of EEG and GSR signals. In tense situations, blood pressure increases, the galvanic-skin reflex is expressed as an increase in the number of spontaneous oscillations and in the fall of skin resistance, the EEG recording is characterized by an increase in the amplitude of the rhythm.

From the psychophysiological characteristics available for measurement in the process of the operator activity, most researchers as a correlate of attention indicate pulse rate, pneumogram, GSR and ECG, with a frequent preference of GSR and pnevmogram. This indicator occupies a special place in the instrumental study of emotional states of a person As a component of a tangible response, the GSR always

responds to the acceptance or expectation of a meaningful information. In addition, the level of attention is always associated with a general level of emotional stress. The informational content of these changes varies depending on the strength of the emotional reaction. Under monotonous working conditions, the most informative indicator is EOG. It marks long fixations of the sight, tracing movements, a large number of blinking. The GSR sometimes presents paradoxical results: a significant change of the GSR for an insignificant one for ensuring the traffic safety information as well as an omission of valuable information. In conditions of emotional stress, close to the optimal, the most sensitive indicator of the driver's condition is the change of GSR and ECG. These indicators allow determining the moment of perception of any information and its significance for the driver. At high levels of emotional stress the informational content of EOG and GSR drops sharply. The most accurate reaction of the driver can be determined in these cases by ECG. It marks changes not only in the pulse rate, but also such characteristics as the form, the voltage of the teeth and the magnitude of the systolic index. There is no motivational and neutral attention. Attention always contains elements of research motivation, a desire to assess more precisely and accurately the expected signal or the elements of anxiety caused by the need to react more quickly to the stimulus. The most reliable assessment of the emotional stress of the driver can be obtained as the result of a joint recording of the ECG, the GSR and the EOG indicators.

SOME PROBLEMS OF AIR POLLUTION IN UKRAINE

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Atmospheric air is one of the components of environment, which influences the health of people. All the living creatures that are forced to migrate in the search of cleaner environment also suffer from air pollution. This results in imbalances of ecosystems.

Every year industrial and motor transport enterprises of Ukraine throw 17 million tons of harmful substances into the atmosphere (300 kg per each inhabitant of Ukraine). There is a high level of air pollution in 13 cities of Ukraine. This is caused by the increased content of specific harmful substances, as well as the content of nitrogen dioxide and dust. Long-term pollution of atmospheric air with sulfur dioxide, carbon oxides, nitrogen and other substances has the destructive effect on human health.

The atmosphere plays a major role in the global, regional and local transfer of pollutants and pollution of the natural environment. The increasing of anthropogenic impact is weakening the natural process of self-cleaning in the atmosphere, which leads to the accumulation of harmful contaminants that cause its pollution (chemical, radioactive, biological, thermal and electrostatic).

The main sources of atmospheric air pollution are: automobile and other types of transport; industrial and metallurgical enterprises; thermoelectric power stations (TPSs); chemical and cement plants. The largest anthropogenic pressure on the atmospheric air is caused by metallurgical enterprises, which pollute air by the emissions of sulfur, nitrogen, carbon monoxide and methane. These enterprises cause great damage to the airspace, resulting in the appearance of acid fallouts. Of the total emissions, 80% of chemicals and their compounds have a greenhouse effect and the negative impact on climate change. Among them there are carbon monoxide, sulfur dioxide, methane, nitrogen dioxide, non-methane volatile organic compounds, ammonia, nitric oxide, chlorofluorocarbon, carbon dioxide, and others. Together with the source gases of thermoelectric power stations, such pollutants as sulfur oxides, nitrogen, solids, toxic elements with their impurities, arsenic, large metals and hydrargyrum enter the atmosphere. Among the main negative effects of atmospheric pollution are: greenhouse effect, ozone hole, acid rains, increasing of general sickness rate of the population.

Thus, the measures that society must take to protect the air are as follows: minimization and prevention of emissions of harmful substances into the atmosphere through the use of environmental filters by industrial enterprises; swithcing to the

operation of eco-friendly transport and home appliances; controlled recycling of waste; introduction of integrated eco-friendly alternatives that would be useful not only for air but also for human health; development of environmentally-friendly legislation and programs.

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LINGUOCULTURAL FOUNDATIONS OF THE SYMBOL IN R. KIPLING'S POETRY AND PROSE

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In various fields and areas of theoretical analysis of the concept of symbol, there are a large number of interpretations of this concept. The variety of interpretations gives a rise to polysemanticism and a lot of conflicting judgments about the symbol.

In the philosophical and sociological interpretation of this concept, despite the common features with other areas, there are still fundamental differences. In philosophical works devoted to the study of the essence of the symbol, the main attention is usually paid to the consideration of its nature. The specificity of the social context of the formation of the concept is also analyzed.

From the point of view of linguoculturology, symbols represent an abstract concept at the verbal level. According to Yu. Avaliani, the symbol is characterized by

more subtle and indirect associative links between verbal signs and those phenomena and concepts that can be called symbolic [1, 7].

Symbol, from the point of view of literary criticism – a universal aesthetic category, artistic image-sign. The symbol does not require comprehension and understanding of consciousness and seeks to cause certain associations. It emotionally affects the reader, causes certain impressions, emotions, state.

In the modern linguistics, the foundations of the study of the symbol was laid by A. Potebnya, who said, in particular, that "the symbol of language ... you can call it poetry" [4, 22]. There are several approaches to defining a symbol:

- Semiotic;
- Psychological;
- Culturological;
- Functional and stylistic.

Symbolism in the works of R. Kipling is one of the topics that modern researchers are increasingly paying attention. The artistic thinking of R. Kipling, according to N. Dyakonova [3] and A. Dolinin [2; 3], primarily focused on folk-mythological motifs. Not only in his tales of animals, but also in stories and poems, he often relies on primary, archaic stories. The works of this author are full of symbols that have been stored in the collective memory of mankind since ancient times. The picture of the world abounds with familiar symbols, such as: life/death, victory/defeat, strength/weakness, day/night, light/darkness, heaven/hell, order/chaos, God/devil – these are constant symbols for Kipling`s works, which are realized on many levels.

A. Dolinin distinguishes the following system of symbols in the work of the author: life – death, order – chaos, strength – weakness, action – passivity, knowledge – ignorance, civilization-nature [2].

The poetry of R. Kipling includes many symbols, such as England – India, East – West, the barracks – the elements, war, love, image borders.

So, we can conclude that symbols play an important role at the works of R. Kipling.

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LEGAL CONSCIOUSNESS: THEORETICAL AND APPLIED QUESTIONS

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Citizens' desire to take an active part in the legal sphere of the society is the main characteristic of legal consciousness and legal culture of the state in general. Legal consciousness takes a special place in the process of development of legal civilization, which is characterized by equality, freedom, justice and those legal values that are perceived by citizens as main regulators of their social life.

Despite the fact that in legal literature there is no common definition of legal consciousness, by this term we understand the set of interrelated ideas, emotions and views, which represent the criticism of law in force, attitude of a social group and individuals towards the law as the entire social institution, its system and structure, separate acts and other elements of legal system.

In particular, I. E. Farber states that legal consciousness is the form of social consciousness that is a complex of legal opinions and feelings, which has a normative character, and includes both knowledge of legal phenomenon and new legal requirements, which represent political and economic needs and interests of social development [4, 204-205].

Therefore, legal consciousness, being one of the main aspects of social consciousness is reflected in a person's readiness to realize its needs within the law, and also carry legal liability for illegal activity.

Legal consciousness, as the category of social consciousness, has its certain characteristics, namely:

1. Legal consciousness is one of the forms of representation of social consciousness, which shows a special aspect of its spectrum – legal reality. I would like to point out that legal consciousness does not exist apart from moral, religious, political consciousness etc. There is a constant link between these categories, on the basis of which they mutually complement each other, reflecting social reality.

2. Legal consciousness carriers are different subjects of law, from individuals or public associations to the authority and society. In legal consciousness both subject's attitude towards law and other subject's behavior (activity) are represented.

3. The object of cognition of legal consciousness is the law in force and its numerous manifestations and aspects. Apart from that, it may contain the rating of previous law through the analysis of legal tokens, and may also form the concept of the future, desirable law.

4. Legal consciousness is one of the most important factors of the legal development. According to different approaches in regulating certain social relations, it is natural that imperfection of law comes to light through inner contradictions and gaps that appear as a consequence. This situation induces to inner analysis, law rating and practice of its usage. Eventually, the obtained results are combined in different law theories, concepts etc.

5. Legal consciousness may be considered in terms of a peculiar mechanism of self-governed peoples' behavior (activity). In other words, that ability to apply the subject of law to different legal situations and take important legal decisions about the observance or infringement is its basic quality.

Legal consciousness consists of three elements:

1. Legal psychology, which is an elemental phenomenon and is formed on the basis of emotional attitude towards legal facts in the society, which could be both positive and negative. Among the displays of legal psychology, the sense of justice, respect to human's rights, intolerance or, vice versa, indifference to lawlessness, fear facing liability can be pointed out. In M. M. Velykanova's opinion, the given structural element of legal consciousness is the household level, which is formed as the result of everyday human's practice [3, 143].

2. Legal ideology is a representation of legal reality that appears in ideas, principles, theories and concepts, which in a systematic way represents and rates the above-mentioned reality. T. G. Andrysiak defines legal ideology as the system of legal views, which is based on certain ideological and scientific positions [1, 87].

3. Legal behavior, in the definition of U. A. Vedernikov, is a willful side of legal consciousness, which by itself is the process of transformation of legal norms into the real legal behavior [2, 199]. It appears either in the form of actions, which influences relations of subjects, or in the form of inaction, which, conversely, do not cause any changes in the condition of social relations. It consists of the motive of the legal behavior and legal setting.

The existence of these elements supports the formation of certain legal skills of a person, with the help of which they may analyse legal norms and compare them with their own values.

Legal consciousness still has not become admitted social value in Ukraine. M. M. Bychkov states that the main characteristic of Ukrainian modernity has become a "shattered" individual consciousness, since inside it is the encounter of European and non-European behavior settings, Soviet and non-Soviet guides [5, 137]. Together with usual ignorance of legal norms, which comes out from the subjects' realization of their interests outside the Constitution and Ukrainian Law – all these things complicate the formation of a respectful attitude of humans to the law and detain the transformation of Ukrainian society into progressive, civilized, civil.

To sum up, legal consciousness occupies an important place among the aspects of social consciousness, characterizing readiness and human ability to carry their own way in legal space.

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TEACHING A FOREIGN LANGUAGE THROUGH SPEECH ACTIVITY

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It is known that communication is carried out mainly through speech activity in forms of speaking, listening, reading and writing. This means that speech activity (its types) acts as a means of communication. But in order for speech activities to become a means of communication, they must be mastered, that is, they must first be made the goal of learning. So the goal and the means of learning are dialectically interpenetrated. Therefore, in order to achieve the goal of mastering an activity, it is

necessary to make this activity a means of mastering it. This quality is one of the characteristic features of a foreign language lesson.

However, most often at the lesson a teacher of a foreign language speaks so limitedly, poorly, sometimes primitively, that this can in no way satisfy the needs of learning. Listening to the speech of a foreign language teacher at each lesson, the student begins thinking that if such speech is a model (as a goal of training), then it will not be difficult to achieve it. But, since the student understands that "they do not speak this way in life," then the teacher's speech does not serve as an end in any way — a model, and even more so

Speech activity, in our opinion, should be carried out on two levels. When a teacher in a classroom gives instructions on how to work, or a rule is an instruction when performing tasks, his speech should be extremely clear and understandable (listening with full understanding). When the teacher comments on something, expresses his attitude to something, praises the student or reprimands, it is not at all necessary for students to understand absolutely everything, if they understand the meaning (or main content) of what was said (listening with general content coverage). Moreover, only in this case will the speech in a foreign language class fulfill its role both as a goal and as a means of learning. We can say that the teacher's speech should be an accessible but unattainable model for students [1].

Exploring speech activity in a foreign language classroom as a learning tool, it should be emphasized the importance of a discourse, which is a product of speech activity and a means of teaching speech activity, and to suggest the process of creating such discourse, which is determined by extra linguistic factors, i.e. communicative context. In relation to a non-linguistic university, such types of discourses which are used in official communication are distinguished. In the field of oral communication, it is proposed a business conversation, a dispute, a report, etc., logically introduced into the course of lesson on teaching communication in a non-linguistic university. [2]

It is widely believed that students are overloaded. Do we not mix nervous overloading and intellectual, mental overloading? Nervous overloading in students is

really a bit too much: the general rhythm of modern life, the working style of individual teachers, the tiring abundance of information, etc. As for the intellectual burden, it is small. Students are offered many foreign language tasks that often require unnecessary memorization, rewriting assignments that lack problematic and discussion, monotonous assignments that do not contribute to the development of autonomy, assignments that students take a passive rather than an active position at the lesson. These are the students about whom we, the teachers of a foreign language, say: "They do not want, they are not interested, and they are incapable." However, they dream of activity, creativity, independence.

One can learn something only by overcoming difficulties, overcoming them independently. And independence in the study of a foreign language is not the absence of a helper or any support, independence here, first and foremost, means independence of thinking. We often do not trust students, do not believe in their thinking abilities, do not take into account the ability to work inherent in man as such [3].

Teachers of a foreign language try to make it easier for students by giving lightweight mechanical tasks, performing uniform exercises and simply reading a foreign language textbook. But two or three months pass and we complain: "The interest has disappeared, the desire has gone, the activity has disappeared, and the attendance has decreased." But not therefore, did it happen that we did not teach students to overcome independently the difficulties of tasks requiring speech-thinking, did not support or develop an “interest”.

In modern conditions, with a shortage of time in the process of learning a foreign language, the only condition for the intensity of the lesson is the active position of the student. It is achieved primarily by using verbal-thinking tasks, tasks requiring speech-making, providing for permanent overcoming of difficulty levels, as well as organizing a class when the student is internally active, as it is included in the process of collective communication. A student studying a foreign language must understand that speech activity cannot be taught, it can only be learned. It would be very useful if such a slogan hung in the audience and reminded students that the key

to the success of learning a foreign language is in their own hands.

A teacher of a foreign language working in an intensive manner, constantly inspiring to students: “Dare, you are talented,” always strives to make the lesson logical, intuitively feeling and understanding the need for it. However, the lack of a precise definition of what the logic of a lesson is, what it is made of, does not allow using it fully. Meanwhile, the logic of the lesson, in our opinion, is related to its structure, that is, it is the essence of the lesson, and that is why it is the most important concept of practical interest for a foreign language teacher. In our opinion, the logic of a foreign language lesson consists of four aspects:

1) the correlation of all parts, elements of the lesson with the main goal. This aspect can be called focus;

2) proportionality of all parts of the lesson, their subordination to each other, or the integrity of the lesson;

3) movement through the stages of mastering speech material, which can be called the dynamics of a lesson;

4) the unity and consistency of the material in content, or relatedness of the lesson.

All invariants are embodied at the lesson in different elements: the creation of an atmosphere of foreign communication - in speech exercises, speech preparation, instruction to the lesson, instructions to tasks. Instructions, in the broad sense of the word, together should be considered an exercise in the classroom; demonstration - in the presentation of a grammatical phenomenon (auditory, visual, etc.), somatization of lexical units in different ways, in exemplary utterance, etc., training and managing it in conditional speech and speech exercises, and the corresponding actions of the teacher.

The structure of a lesson is just the patterns by which its elements are organized in accordance with the goal. The main thing that the necessary connections of the main goal with all types of work (stages) with others were preserved, so that each exercise would prepare for the next, raising the learner to a higher level of mastering the required action, that is, bringing him closer to achieving the main goal.

Therefore, the logic of the lesson is also the logic of gradual mastery of speech material.

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USING OF THE US CYBER COMMAND`S EXPERIENCE IN PROVIDING INFORMATION SECURITY IN UKRAINE

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With the development of information and communication systems and networks, the uprise of new technologies new threats to the national security also appears.

Study, analysis and adoption the experience of other countries contribute to the improvement of methods and ways of protection of the interests of the state. It`s important to aware the significance of the functioning and protection of cyberspace, and necessity of coordination of processes in it.

On June 23, 2009, the United States Cyber Command (USCYBERCOM) was established under the United States Strategic Command in response to the rapidly increasing threats in the field of protection of information sphere, besides attempts to exploit the cyber domain to attack the United States and its allies [2].

National Cyber Strategy of the United States of America, adopted in September 2018, defines, that the USCYBERCOM plans, coordinates, integrates, synchronizes, and conducts such activities: direction of the operations and security of specified the Department of Defense`s information networks; coordination of the Department of Defense's operations providing support to military missions; preparations of and conduct full-spectrum military cyberspace operations; ensurance of the USA and allies freedom of action in cyberspace and deny the same to their adversaries [4].

Thus, the USCYBERCOM centralizes command of cyberspace operations, improves capabilities to ensure resilient, reliable information and communication networks, counter cyberspace threats, and assure access to cyberspace, protect command and control systems and the cyberspace infrastructure supporting weapons system platforms from disruptions, intrusions and attacks.

In Ukraine, in contrast to the the United States Cyber Command, there is no effective central structure that could synchronize and coordinate the activities of information security subjects [1]. This leads to decrease of the efficiency of such state structures and, consequently, and the inability to counteract against to cyber threats.

According to the Law of Ukraine "On the Basic Principles of Cybersecurity Protection of Ukraine", today a national system of cyber security is being created, and the powers of the security and defense sector in the field of information security are expanding. In February 2018 The United States House of Representatives supported the bill "Ukraine Cybersecurity Cooperation Act of 2017", which strengthens cooperation between Ukraine and the United States.

Thus, the strengthening of Ukraine's cooperation with the United States in the field of information security and combating cybercrime in a hybrid war with the Russian Federation is an important area of activity in the field of security and defense of Ukraine. In particular, in our view, the adoption of the experience of a unified system of counteraction to cyber threats, preparation of qualified specialists, development and supplementation of relevant normative acts, design and development of technical equipment will be essential.

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POLITICAL CORRUPTION

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Corruption has recently become a major issue worldwide. Previous research declares, that corruption crimes comprise 48% of all crimes, but 90% of them are latent. This leads to deteriorating situation annually. That is why we should analyze corruption crimes for future prevention.

The main forms of corruption considered are favouritism, bribery and embezzlement. Little attention has been devoted to favouritism. The aim of the paper is to analyze political corruption.

“Favouritism” is a mechanism of power abuse implying “privatisation” and a highly biased distribution of state resources, no matter how these resources have been accumulated.

Favouritism is the natural human proclivity to favour friends, family and anybody close and trusted. Favouritism is closely related to corruption insofar as it implies a corrupted (undemocratic, “privatised”) distribution of resources. In other

words, this is the other side of the coin where corruption is the accumulation of resources.

Favouritism is the penchant of state officials and politicians, who have access to state resources and the power to decide upon the distribution of these, to give preferential treatment to certain people. Clientelist favouritism is the rather everyday proclivity of most people to favour his own kin (family, clan, tribe, ethnic, religious or regional group). Favouritism or cronyism is for instance to grant an office to a friend or a relative, regardless of merit.

Favouritism is a basic political mechanism in many authoritarian and semi-democratic countries. In most non-democratic systems, the president has for instance the constitutional right to appoint all high-ranking positions, a legal or customary right that exceedingly extends the possibilities for favouritism. It easily adds up to several hundred positions within the ministries, the military and security apparatus, in the parastatal and public companies, in the diplomatic corps and in the ruling party.

Nepotism is a special form of favouritism, in which an office holder (ruler) prefers his proper kinfolk and family members (wife, brothers and sisters, children, nephews, cousins, in-laws etc.). Many unrestricted presidents have tried to secure their (precarious) power position by nominating family members to key political, economic and military/security positions in the state apparatus.

Political or grand corruption takes place at the highest levels of political authority. It is when the politicians and political decision-makers (heads of state, ministers and top officials), who are entitled to formulate, establish and implement the laws in the name of the people, are themselves corrupt. With grand corruption we are dealing with highly placed individuals who exploit their positions to extract large bribes from national and transnational corporations, who appropriate significant pay-offs from contract scams, or who embezzle large sums of money from the public treasury into private (often overseas) bank accounts. Political corruption is furthermore when policy formulation and legislation are tailored to benefit politicians and legislators.

Political corruption can thus be distinguished from bureaucratic corruption, which is corruption in the public administration, at the implementation end of politics. This “low level” or “street level” corruption is what citizens will experience daily, in their encounter with public administration and services like hospitals, schools, local licensing authorities, police, customs, taxing authorities and so on. The sums involved are rather modest (adjusted to local conditions), and therefore bureaucratic corruption is frequently referred to as routine or “petty”. Even so, the sums involved may be considerable in particular cases and in aggregated terms.

Political corruption is when rulers abuse laws and regulations, or side step, ignore and tailor laws and regulations to benefit their private interests. It is when the legal bases, against which corrupt practices are usually evaluated and judged, are weak and furthermore subject to downright encroachment by the rulers.

Political corruption might take place on arenas without the general public coming across it in their daily life, or even knowing about it. Political corruption might be incidental, controlled or concealed, as in most consolidated liberal democracies.

In conclusion, the degenerative effects of political corruption cannot be overcome by a legal or administrative approach alone. Moral, normative, ethical, and indeed political benchmarks will have to be brought in. Endemic corruption calls for radical political reforms, a system of checks and balances, and deep democratisation.

ЗМІСТ

Матеріали

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