ABSTRACTS

POLITICAL SCIENCE

Vereshchak V. The establishment of national intelligence in legal framework of the state (on the example of Japan)

Temporary occupation of the part of Ukrainian territory by the Russian Federation – the Autonomous Republic of Crimea and the city of Sevastopol, fomenting of armed conflict in certain districts of Donetsk and Luhansk regions and buildup of military power in immediate proximity to the Ukrainian border, the potential possibility of deploying tactical nuclear weapons in the territory of Crimea necessitated significant strengthening of the force components of our state, including building up and strengthening the capabilities of national intelligence. There is a positive experience of the last mentioned. It is one of the most developed and peaceful countries in the world – Japan. Borrowing and implementation of its certain aspects by the heads of the corresponding departments and institutions of our state could have positive effects.

After the victory in the Second World War, the United States dissolved the Imperial Army of Japan and its special services, including intelligence. Disarmed and occupied by the United States, Japan was forced to exist within the defined limits. This fact created incentives for the development and implementation of the doctrine of Yoshida, named after the then prime minister of the country Shigeru Yoshida. According to this document, Japan trusted its own security to USA, concentrating its efforts on the restoration and development of the national economy.

After the end of the Cold War, Japan was in a difficult political and economic situation. As a result of economic reforms, China has evolved from a weak backward country into an aggressive and equally strong as leading world countries rival in the security and economy areas. Japan at this time somewhat lowered the pace of its own economic development. North Korea doubled its efforts to create and test nuclear-missile weapons. Due to the fact that the United States began to invest enormous resources in stabilizing security in the Middle East, they somewhat reduced its volume to Japan's security sector.

There was an urgent need for early detection of threats and challenges to the military security of the state, mainly by their own forces now – national intelligence forces that were insufficient and unable to do so.

The establishment of the national intelligence in Japan took place under complex contradiction: on the one hand – the urgent need to build up the structure and strengthen the professional intelligence capabilities to counter the growing challenges and threats to the state security; on the other – the intransigence of the country's parliament and the public to amend the constitution of the country, where article 9 was determinant, and prohibited any increase in the country's military strength. The pragmatically-minded part of the parliament and government managed to gradually overcome it and create an effective national intelligence system. In this case, any clues and arguments were used.

The main of them were the following:

– emphasis on destructive and crushing consequences for the country of modern challenges and threats to its security, non-standard aspects of its manifestations and emergence;

– use of any unfriendly action from the side of possible opponents of Japan (mainly North Korea, China, international terrorist organizations) to emphasize the need to strengthen and enhance the capabilities of national intelligence agencies;

– use of Parliament's consent to strengthen the Self-Defense Forces of the country as a reason to build up and strengthen national intelligence agencies;

– uncommon appeal for support to the leadership of the allied US.

– In general, regarding mentioned above, the patriotically and pragmatically-minded part of the Japanese parliament and the government of the country have shown a great perseverance, rational systemacity and commitment in the pursuit of set goal.

Key words: threats, security, intelligence, intelligence agencies, legal framework, parliament, control, treaties, cooperation.

Dmytrashko S. Strategy of influence on mass consciousness in National Socialist Germany

The National Socialists embodied the doctrine through revolutionary changes in the political system, new methods of working with the masses in order to obtain universal social support. National Socialists used informa-

ВІСНИК НТУУ «КПІ». Політологія. Соціологія. Право. Випуск 2 (38) 2018

137

tion wars, agitation, propaganda, disinformation as a strategy of influence on the mass consciousness. Disinformation was used in the fight against the Communist Party. Information wars were used in foreign policy against the states that were the object of aggression of Nazism. Agitation was used to motivate the masses to engage in political activity. A leader's cult was created. Speeches played a special role in Nazi agitation, the effect of which grew due to the suggestion and theatricality of party gatherings, demonstrations. The propaganda of national-socialist ideology captures the whole consciousness of people. A. Hitler believed that propaganda and agitation was a prerequisite for the creation of a powerful organization, mobilizing the population to implement the regime's policy. J. Goebbels created the structural elements of propaganda, became the author of the method of "poetic truth" and the technology of the introduction of ideology into the mass consciousness.

The author believes that the peculiarity of the strategy of influence on the mass consciousness is the complex use of information warfare, misinformation, propaganda and agitation. The totalitarian regime influenced the mass consciousness, using suggestions and manipulations. The propaganda was comprehensive, adapted to the requirements of the situation, used technical means, which exacerbated the impact on large groups of people and large areas. Agitation prompted people to engage in activity through planned actions, use of rituals, theatricality, solidarity and feedback. Радіо, газет, кінострічки, документальне кіно, листівки, плакати – знаки культури, які слугували режиму. In foreign policy, large information events were held, depending on the needs of the regime. By 1938, the community was reassured by a proclaimed peace-loving policy. From 1938-1939 he grounded political and military actions with cultural, racial superiority and the necessity of autarky.

The Nazi party presented its political power as a spiritual phenomenon, since it aimed to change the social consciousness and educate a "new man", who, in ideological landmarks, deviated from humanism and was guided by hostility to the Other. The totalitarian regime created a new reality, in which the proclaimed changes in the social consciousness were objectively subjective nature, that is, individuals who were in a state of atomization turned into hostages of the goals proposed by the doctrine of national socialism.

Key words: German National Socialism, political ideology, propaganda, agitation, information warfare, mass consciousness.

Klyuchkovych A. Direct democracy in Slovakia: institutional and political aspects of functioning

The main forms, institutional mechanisms and problems of the implementation of direct democracy in Slovak Republic are analyzed in the article. The Constitution establishes the following forms of direct democracy in Slovakia: referendums, petition campaigns and the removal of the President from office (national level); community gathering, local referendum and regional referendum (level of territorial self-government).

The main focus is on the peculiarities of constitutional regulation and the political functioning of the referendum. The referendum is held in Slovak Republic at national, regional and local level. The experience of holding the Slovak referendums testifies to the low turnout of citizens. In 1993-2015, there were eight national referendums, but only one in 2003 was recognized as valid

Key issues, which essentially complicate the procedure of the referendum conducting, have been determined. It is concluded that the referendum institute in Slovak Republic has often been used to achieve narrow political goals. The politicization of the referendum is connected with the political parties, the struggle between the authorities and the opposition.

The article shows the reasons for the lack of interest of citizens in implementing the mechanisms of direct democracy in Slovak Republic.

Development of direct democracy is considered as a key prerequisite for further democratization of Slovakia's political system. The need to improve the legal regulation of direct democracy and referendums in Slovak Republic is also stressed in the article.

Key words: Slovak Republic, direct democracy, referendum, politicization of the referendum, constitutional regulation, political parties.

Pashkov V. The Nazi regime and Academic community of Germany

The article considers the political and administrative measures of the Nazi regime to establish control over the academic life of German universities. Academic self-government contradicted the Nazi political

ВІСНИК НТУУ «КПІ». Політологія. Соціологія. Право. Випуск 2 (38) 2018

138

order, so the universities were quickly incorporated into the administrative system of the new government, and their autonomy was abolished.

In parallel, the new authorities made direct ideological interference in the curricula and subjects of scientific research, reformatting them in the spirit of the doctrine of National Socialism. After the reform, university disciplines and studies began to serve the ideological needs of the ruling regime and substantiate Nazi policies. Control over the content of curricula and the activity of teachers was placed on the party committees of the NSDAP established in universities.

In order to purify the universities from the non-Aryan spirit, the Nazis conducted political purges among students and scientists. Their victims were Jews and opponents of the Gittler regime. From 1933 to 1939 years the number of students in German universities was reduced from 128 000 to 58 000, and the work lost up to 20% of teachers.

At the same time despite the repressive nature of the Nazi regime, most teachers began to cooperate with the new government. The universities turned into public platforms for Nazi policies and ideology. The other side of political purges was the mass entry of professors and associate professors into the Nazi Party as a manifestation of political loyalty. By the end of the 1930s, half of the teachers were members of the NSDAP. Since the basis of Nazi ideology was biology and racial theory, the highest level of membership in the party was found in medical faculties that tended to these disciplines. Up to 70% of the teachers of these faculties had a party ticket. The smallest - about 30% - this figure was at the technical and natural faculties, which traditionally tried to distance themselves far from politics.

As a result of the long domination of Nazi ideas in the academic sphere, the quality of higher education and research at universities in the Third Reich has been constantly falling, and political cleansing has led to the emigration of a significant part of talented scientists.

On the other hand, the new rules, imposed by the Nazi regime, quickly took root in the educational system. Universities began to train professionals loyal to the Fuhrer and the state, although the quality of their training fell.

Key words: the higher education, political cleansing, ideological campaigns, conformism, The Third Reich, the academic community, National Socialism.

Pashkovskyi V. The organizational and legal mechanism for ensuring information security of Ukraine in conditions of external aggression: areas for improvement

The article deals with the problem of forming an organizational and legal mechanism for ensuring information security of Ukraine in the conditions of Russian aggression. The expediency of developing a holistic state information policy is substantiated. The directions for improving information security are proposed for proper protection and neutralization of threats in the information sphere.

It is noted that the Russian aggression against Ukraine, which violated the established world order and continues to threaten global security, actualizes the scientific understanding of the problems of the national security policy.

The author generally supports that in the conditions of hybrid wars, as a rule, all the basic information methods and tools used in ordinary wars are used.

In article also defined advantages and disadvantages of the hybrid war of the Russian Federation against Ukraine. An analysis of the state of counteraction to information threats in Ukraine shows that at the national level there is no clear coordinated policy and strategy for ensuring information security. At the current stage of development, the state of counteraction to information threats in Ukraine is in the stage of formation and development.

Author also considered that protection and counteraction to information wars should be carried out exclusively within the framework of the developed strategy on protection from information threats and counteraction to information wars in Ukraine.

As a conclusion it is determined that in the strategy to protect against information threats and counteracting information wars in Ukraine, it is necessary to separately identify the directions of threats and counteractions to the Russian Federation. It is necessary to consolidate the main measures for the stage-by-stage information confrontation of the Russian Federation both at the level of the state authorities and law enforcement bodies of different levels both on the whole territory and outside it, and especially on the territory of the annexed Crimea, occupied territories of Donetsk and Lugansk regions, front-line territories, territories bordering with the occupied.

Key words: hybrid war, information security, organizational and legal mechanism.

ВІСНИК НТУУ «КПІ». Політологія. Соціологія. Право. Випуск 2 (38) 2018

139

Popkov D. Actualization of the concept of social cleavages St. Rokkana and S. Lipseate in the context of secession threats

The article reviews the key provisions of the theory of social cleavages of Lipset - Rokkana, taking into account the main directions of modern discourse in this field. The article aims to assess the applicability of the concept of Lipset-Rokkan in the context of the study of secession threats to the integrity of the state.

The urgency of this approach is determined by the events of modern history, from the collapse of Yugoslavia and the Soviet Union to the present (Libya, Syria, the East of Ukraine, etc.), which deny sovereignty over the whole territory of the state as a unchangeable reality. Taking into account the consequences of civil armed confrontation and dispersal of the state, modernity quite rigorously updates the scientific discourse around the phenomenon of schism in all its interconnected aspects.

The Lipset-Rokkan model explains the development of the party systems of Western Europe by the existing distinctions between the state and the church, the city and the countryside, the center and periphery, the owners and the hired workers, who became institutionalized at the political level as political alternatives during two "critical" events, in the quality of which the authors determined the revolution.

The article presents an overview of five modern trends in the development of the theory of cleavages: 1) the definition of the notion of cleavages, the essence of its features and problems of interpretation; 2) determining the grounds for the emergence of a political split; 3) assessment of the ability to explain the hypothesis of "freezing" and the evolution of party systems of the late XX - early XXI centuries; 4) problems of applying theory to post-Soviet states; 5) identification of the causal link and its direction between the cleavages and the activities of the parties.

The author substantiates the possibility of further developing the theory of Lipset-Rokkan in the direction of its greater universalization. To do this, a series of corrective conceptual warnings related to the described areas of discussion are proposed.

Key words: social cleavage, lines of delimitation, secession threats, party system, conflict, primordial identities.

Iakovleva L. «Damocles' sword» of power: factors of legitimacy in ancient Athens

The article is devoted to the study of the factors of the legitimacy of power in the Ancient World. Legitimacy is "the Sword of Damocles" of the era of antiquity; the doubts of citizens about the legitimacy of power is a direct way to its loss. That is why the rationale for the authority of power and the right to power become one of the central one for ancient philosophy and politics.

The factors of the legitimacy of the power of the monarchy (religion, traditional domination), aristocracy (noble origin, military victories), tyranny (charismatic legitimacy of personal power), demos (collective legitimacy, rationalism) are singled out. "Ostracism" as an obvious result of the process of delegitimization of power is interpreted. The peculiarities of Pericles' reforms, which are based on rational organization of power, introduction of payment for work for the sake of public benefit ("mystophoria"), democracy, are noted.

In the era of antiquity, firstly, in the political world history the need for power to be recognized, supported and legitimated was clearly articulated. Economic well-being, political stability and security of policies depended on the level of legitimacy of power. In the era of antiquity, the "Sword of Damocles" of needs for recognition and support hung over power, from this time onwards – forever. However, the authorities can choose what will be the basis of legitimate governance, what factors will determine the fate of power.

The era of the early Archaic in Athens was characterized by the decisive influence of the aristocracy, whose power was based on wealth and economic strength. In addition, an important source of legitimacy of the aristocracy was religion.

The citizens of the Athenian Police not only realized that they were the source of power, but also sought a foundation of power that would ensure its legitimacy. The abandonment of violence was the main aspect in this search for legitimacy.

Solon, using his own authority, received extraordinary powers, i.e., he legitimized his own power both among the aristocracy and for the demos. One of the most important lessons of Solon's reforms for the legitimacy of the era of antiquity is that the authority of a centrist, who, as an archon, carried out reforms, lasted only for a year. The innovations, introduced by Solon, remained valid in Athens over the next decades; instead, the problem of the legitimacy of the aristocracy's power was not solved.

The archaic stage was characterized by the rule of the kings (basileans), whose legitimacy relied on royal origin and found its basis in traditional domination, religion, military valour and victories in the Panhel-

ВІСНИК НТУУ «КПІ». Політологія. Соціологія. Право. Випуск 2 (38) 2018

140

lenic games. A very important, even decisive component of legitimacy was the identity of the Greeks as free citizens as opposed to the Persians who worshiped the king as God and their "hospitality", which became the foundation of cosmopolitan legitimacy.

The classic stage of the development of the Athenian policy is the domination of the aristocracy, which from time to time gave power to tyrants. The governance of the latter represented a reliance on the charismatic type of legitimacy. They relied on their own authority, and their descendants could not claim to power. The tyrants, as charismatic leaders, introduced reforms, and most importantly, they actively fought against the aristocracy (the descendents of which, in fact, they were), considered the aristocracy as rivals in the struggle for power, and thus prepared the ground for strengthening the power of the demos.

The democratic stage, which began with the reforms of Kimon and reached its peak during the reign of the "first citizen" Pericles, can be called a period of domination of a rational-legal type of legitimacy. After all, Pericles himself was a "great rationalist"; his power was based neither on tribal relations, nor on religion and tradition.

This list is not exhaustive, but it allows us to see that in the era of ancient Greece, the boundary principles and fundamental ideas about the phenomenon of the legitimacy of power were formed. Its role in the political life of the policy was determined. All the risks, disadvantages and dangers of each type of legitimacy also appeared in the policy. In the end, the Athenians themselves developed and implemented the extreme form of delegitimization of the political leader – ostracism.

Key words: legitimacy of power, Pericles, authority, ostracism, delegitimization, democracy.

SOCIOLOGY

Chris Weston. Decline & Fall of British Power (Part II): 1945 to 1963

The purpose of this paper is to examine the decline and fall of British power. "Power" is defined as the ability to influence another party and Michael Mann`s four sources of social power is employed as an analytical tool.

The paper takes as its starting point the state of Britain after the end of the Second World War in 1945. In its aftermath, Britain had, along with other European powers, to face up to the desire of its colonies to achieve independence. In particular, India was the "jewel in the crown" and with its independence, the "game was up" as Britain had relied on this for a substantial part of its rise in Political and Economic Power (and Military Power through the Indian Army) during the eighteenth and nineteenth centuries, and well into the twentieth century. Thereafter, Britain was scrambling to protect the other important contributors to its Economic Power through interventions in the Middle East (e.g. Iran for oil) and South East Asia (e.g Malaya for its tin and rubber interests).

But the reality was that Britain was reliant on substantial subsidies from the USA to maintain its imperial, financial and economic interests. The reliance on the US would extend with the commencement of the Marshall Plan which saw the bulk of the funds flowing to the UK.

In parallel, the UK had performed important steps in constructing a security and defence architecture and modest moves in some form of European economic co ordination via the Marshall Plan. But the UK failed to follow up on these promising steps by failing to engage in the first moves by (Western) Europe in its first moves to construct the European project of an "ever closer union." This failure to demonstrate Leadership (a fifth source of power identified by Mann) was to have fateful consequences.

Indeed, the Suez Crisis of 1956 which saw an Anglo-French-Israeli co ordinated military strike on Egypt would bring into sharp relief all of the negative trends accumulating – not necessarily by virtue of the adventure itself but how the UK succumbed to financial and economic blackmail and its default policy thereafter of increased dependence on the USA for its Military and Economic Power – the former through its decision to acquire the delivery system for its (nominally independent) nuclear deterrent from the USA; and the latter by avoiding any conflict with the US that might lead to the US threatening a repeat of the financial threats.

The price for this policy choice was ultimately paid when the French vetoed the UK`s application to join the European Economic Community in January 1963 – taking place just one month after the UK had signed an agreement with the USA for the delivery of the Polaris nuclear submarine system.

Thus, from a promising starting point in 1945, as compared with its European counterparts, it is argued that the UK`s political leaders had become entranced with protecting economic interests with Military Power, as subsidised by the USA, and avoided decisions to engage with the European project until it

ВІСНИК НТУУ «КПІ». Політологія. Соціологія. Право. Випуск 2 (38) 2018

141

had essentially been closed to it. That was a fateful act and took place just eighteen years after emerging as one of the "Big 3" global powers. Britain played no role in the rules of the game being established by a major economic power on its doorstep.

The next article in the series will examine the course of the UK and its attempts to reverse its decline in power.

Key words: Great Britain, social power sources, leadership, India.

Kutuev P., Makarenko D., Severynchyk O. The developmental state: can it travel from East Asia to Eastern Europe?

The demise of Leninist regimes was accompanied by the hegemonic rise of the free market ideology with neoliberalism being its most ideal-typical embodiment. Yet, the decades of the neoliberal hegemony on both global and regional sales have not removed the state and its role in promoting development from research and policy agendas. Moreover, neoliberalism has produced a string backlash in forms of nativist and populist reaction. Thus, the article sets out to trace the genealogy of the state within the framework of the late Leninist regimes and post-Leninist period, asking a question about the relevance of the East-Asian developmental state experience to post-Soviet conditions. The article discusses the experience of Japan and South Korea, while exploring theoretical underpinnings of the sociological discourse of the state and its role in the development. Thus, the article comes up with a condensed narrative of the history of the developmental state both as an institutional arrangement and sociological discourse. It discusses and evaluates the contribution to the sociology of the developmental state of such scholars as Alice Amsden, Peter Evans, Bruce Cumings. The article conceptualizes the relations between the developmental state and neoliberalism. It also identifies the causes of the developmental state crisis and evaluates the Easter-European experience with constructing such a state. The article defines the stumbling blocks on the way of building the developmental state in Ukraine. It is argued that given Ukraine's proximity to the EU as well as pluralistic nature of the Ukrainian society the authoritarian option is not viable for Ukraine. At the same time, Ukraine is unlikely to succeed in building the developmental state, being caught in a struggle with a kleptocratic polity which has been unable so far to produce a long-term developmental polices.

Key words: Leninism, development, modernization, developmental state, East Asia, Ukraine.

Hryshchenko N. Volunteer movement in modern Ukraine as a strategy for the development of youth leadership

This article represents the stages of the emergence and problems of the formation of volunteering, youth leadership through the participation of young people in the volunteer movement of modern Ukraine. The concept of volunteering as a strategy for leadership development proceeds from the fact that volunteering and leadership are in a close interaction. This may mean that the realization of the tasks of the development of volunteering solves the problem of leadership development in the youth environment.

The article reviews and analyzes the results of a nationwide research on the state of volunteering in Ukraine (July 20-26, 2014), which was carried out by GfK Ukraine on request of the UN Organizations in Ukraine. There is a representative sample of the Ukrainian population (with the exception of the Crimea) by region, the size of the settlement, sex and age, according to the data of the State Statistics Service as of January 01, 2013. The sample was 1,000 respondents aged 16 and over.

According to the results of the research, we can conclude that Ukrainians recognize the great role of the volunteer movement in the social processes. The most relevant areas of activity before the events of the Maidan were the assistance to socially vulnerable groups of the population and the improvement of public space.

This survey showed that volunteer activity in Ukraine is the most important mechanism that exists within civil society and is capable of taking an initiative at any moment in any crisis situation.

The largest volunteer group in Ukraine, which is currently volunteering, is mostly student youth, though, due to the political situation and antiterrorist operation that takes place in eastern Ukraine, during the 2014-2018 period, the participation in volunteering activities of people aged 36 and under 60 increased significantly (although at the beginning of 2016 there is a decline in volunteer activity in this direction).

As a conclusion, it can be noted that the youth leadership, which arises at this time on the background of military confrontation, is extremely rapidly growing. Young activists, who saw their further activ-

ВІСНИК НТУУ «КПІ». Політологія. Соціологія. Право. Випуск 2 (38) 2018

142

ities only in the field of politics, begin to reorient themselves to somewhat different conditions for entry into this sphere. At the same time, the overwhelming majority views participation in the leadership of the volunteer movement primarily as one of the possible channels of mobility for political growth and political formation in the future.

Active volunteer activity develops life skills and professional experience among young people, ability to interest and organize other volunteers, learn how to interact with other people and organizations, find support from partners and sponsors, government and commercial structures, etc.

In the process of volunteer activity, young people are expanding their vision, develop their intellectual level, realize the opportunity to implement their creative plans and leadership potential. A special role in shaping leadership qualities belongs to the social design, namely, through developing skills for their volunteer project, joining efforts with associates for the collective development and implementation of the project, which contributes to enhancing social competences and the development of skills and abilities of the volunteer. Again, the rethinking of the essence and fundamental role of volunteering over the course of several decades has led to an understanding and recognition at the global level that volunteering is the basis for improvement of civil society, an instrument that promotes social capital, economic growth and social well-being of societies.

The state policy of Ukraine should focus more on maintaining the youth movement, support various youth initiatives. This will depend on the direction of the youth movement, the expansion and emergence of new youth radical movements, the formation of subcultures that will bring in the traditional culture as new trends, and new, perhaps even negative forms of struggle for their place in the public space of the state.

Key words: leadership, volunteer, volunteer's movement, youth organizations, youth leaders, youth social activity, social movement.

Zasoba I. The American Communist Party and feminism at the beginning of the Cold War (1945-1960)

In this paper, I offer an inquiry into American Marxist feminist activism at the beginning of the Cold War, and its connection to the American Communist Party. Contemporary scholars of critical theory have expressed concern that worldwide progress made in gender equality in the 20th century has not translated into similar advances in economic equality. Those looking for the historical roots of this phenomenon sometimes fault the American women's liberation movement of the 1960's and 1970's for not challenging fundamental capitalist structures. This inquiry extends the scholarly discussion on work done in the area of women's rights to the early years of the Cold War, arguing that the American Communist Party assumed the Soviet Union's position that the Woman's Question would be solved as a result of a workers' revolution. Based on the accounts of American Marxist feminists, and with a look at the American Government's Cold War stance, it could be argued that the American Communist Party's mismanagement of the Woman Question at the beginning of the Cold War, combined with US McCarthy era anti-Soviet policy, helped to ensure that "second-wave" feminism, (while adopting revolutionary rhetoric) would achieve mostly "bourgeois" goals.

Key words: Marxist feminists, Cold War, Communist Party, Woman's Question, "Second Wave" feminism.

Oros O. Aggressive and violent behavior among children of adolescence

In the context of the transformational processes of Ukrainian society, the problem of violent and aggressive behavior among adolescents is particularly acute nowadays. Domestic crime statistics shows that a significant proportion of crimes among minors belongs to violent crimes. The scientific problem is the need to explain the specific features of aggressive and violent behavior in adolescent children. The purpose of the article is to reveal some aspects of aggressive and violent behavior among adolescents.

Most researchers identify aggression as an act or behavior aimed at causing harm to another being or object. It is difficult to determine the level of personal tendency of aggression. Only external manifestations of aggression are available for observation and intervention, that is, aggressive behavior, which is in essence related to the concept of violence. According to Zmanovska E.V. and Rybnikova V.U., aggressive behavior includes: hostile setting, aggressive emotions, aggression and violence. The phenomenon of violence can take different forms, but is mainly represented through the interaction of two sides, a violator

ВІСНИК НТУУ «КПІ». Політологія. Соціологія. Право. Випуск 2 (38) 2018

143

and a victim. The nature of violence, from the point of view of sociology, can be both a product of real contradictions and purely symbolic processes. Socio-cognitive explanations describe aggressive behavior as a deficit of social competence, which is based on the problems of information processing. The defining role in the use of violence, as it is defined by A. Bandura, is also played by the previous positive experience of the successful use of violence to meet their needs. A. Adler explained violent and aggressive behavior as a desire for domination and self – affirmation. It should be noted that juvenile tumors increase the desire to meet the ways and ideas about the success of the individual accepted in the society. According to the representatives of constructivism, physical violence, as well as other manifestations of deviant and delinquent behavior, is a social construct.

The content of physical violence differs from its evaluation. The objective factor of violence is not the natural tendency of man, but social norms, artificially created barriers and the restriction of the freedom of people. The greatest number of barriers and constraints falls on adolescent children whose criminal activity has been increasing in recent years. Moreover, the nature of this activity has threatening features of insolence, cruelty, cynicism, and violence. The motive for breaking the taboo in the myth arises in close connection with the initiation motive. For a child, the violation of any social taboo turns into a phenomenon of demonstration acquired, due to initiation, maturity, of his/her new social status. H. Heckhauzen determines that very often aggression serves other motives, such as power and dominance, that is, in essence, defined as instrumental aggression. Physical violence among teenagers is not merely a ritual of initiation, it is a construct or a "deconstruct of the masculinity of the victim."Boys who have not been initiated by physical violence become the object of victimization. If they, being men biologically, can not represent specific masculinity in their everyday practices, members of youth groups do not consider them "real men". During initiation, there may be contradictions between the mythological notions of "normative masculinity" and the inability of the "victim" to pass the initiation test. Deconstruction of masculinity can mean temporary, but very difficult, personality reconstruction for boys. Manifestations of physical violence among children are formed not only by their propensity to direct violence but also structural violence, in particular, status inequality. Violent and aggressive actions are part of the ritual of a kind of initiation of adolescents and the establishment of their position in the social system.

Key words: aggressive behavior, violence, adolescents, aggression.

LAW

Dariusz Mańka Shaping the socio-legal notion of sustainable development in French personalism

The article aims to present a human and economic development through the prism of those French personalists' thought. Personalism is a philosophical school of thought based on the general affirmation of the centrality of the person for philosophical thought. It posits ultimate reality and value in personhood – human as well as (at least for French personalists) divine. It emphasizes the significance, uniqueness and inviolability of the person, as well as the person's essentially relational or communitarian dimension. According to Jacques Maritain, a person should always be a goal of action, and never should be a means to achieve particular goals. Thus, each kind of development, economic, technical or social, ought to focus on human dignity. Human development was also particularly emphasized by Emmanuel Mounier. He drew attention to the need for constant commitment, dynamism and creative approach to the world. Thanks to the spiritual sphere, intelligence and freedom that belongs to every man, he can both develop himself and shape the world around him. Man should strive for perfection, transgress himself. Referring to the effects of the scientific and technical revolution and the twentieth-century economic transformation, he stated that not achievements in these areas, but only men are able to determine their positive or negative role. Technology should therefore have only a servile role for the human person. Finally, Teilhard settled the human being in the context of nature and theory of evolution. According to the views of French Jesuit, men is the highest phase of cosmic evolution and an integral part of the universe. He claimed that the whole reality is dynamic and evolutionary, going from the Alpha point to the Omega point with its beginning and the end. The supreme goal of humanity and the world is spiritual unity. According to De Chardin, the whole creation is sighing towards a mystical union with God.

Key words: sustainable development, human development, French personalism, economy, environment Maritain, Mounier, Teilhard de Chardin

ВІСНИК НТУУ «КПІ». Політологія. Соціологія. Право. Випуск 2 (38) 2018

144

Bezsusudnia Yu. Criminalization of extremism in Ukraine

In the XXI century, extremism with signs of violence intensified in many countries. The problem of the struggle against the ideology and practice of extremism and terrorism is becoming very relevant in the world.

In Ukraine, there is no criminal liability for extremists activity. However, the current Criminal Code establishes a criminal code responsibility for actions that have signs of extremism, including actions attributable to crimes against the foundations of national security: actions aimed at violent change or overthrow of the constitutional order or the seizure of state power (art.109); An attack on the territorial integrity and inviolability of Ukraine (st. 110);Sabotage (p. 113).

Among scientists, there is no single approach to the question of whether it should be introduced criminal punishment of extremism. There are supporters of gain responsibility for extremism, and opponents.

A number of scientists find extremism a dangerous phenomenon that shakes the basic foundations of society, and is potentially dangerous for the national security of the state. Among supporters of the legislative settlement in Ukraine, such phenomenon as extremism, scientists Ye.D.Skulish, V.L.Ortynsky, O.Pisarenko, E. Vasilchuk, I. Poddubsky, who mostly refer to the legislative regulation of combating extremism in post-Soviet states.

So, in 2016 a criminal case was introduced in the Republic of Belarus,responsibility for the creation of an extremist formation (Article 361-1) and for the financing of the activities of extremist formations (Article 361-2). These crimes are contained in Chapter 32 under the title "Crimes against the State".

The Criminal Code of the Republic of Uzbekistan provides criminal responsibility for actions of an extremist nature: Article 244-1 ("Production, storage, distribution or demonstration of materials that present a threat to public safety and public order", which provides for the responsibility for the distribution of materials containing ideas of religious extremism, separatism and fundamentalism) ; Art. 244-2 ("Creation, leadership, participation in religious extremist, separatist, fundamentalist or other prohibited organizations"). These crimes are referred to Chapter XVII "Crimes against Public Safety".

In the Criminal Code of the Republic of Kazakhstan, the legislator is the most dangerous crimes of extreme orientation referred to crimes against state security to Chapter 5 "Criminal Offenses Against the Basis of the Constitutional Order and Security of the State": Article 182 (Creation, Management of an Extremist Group or Participation in its activities, p. 183 ("Granting permission to publishing in the media of extremist materials"). Less crimes that are considered socially dangerous by the legislator are classified in Chapter 10" Criminal offenses against public security and public order ": item 258 ("financing terrorist or extremist activity and other assistance to terrorism or extremism "), Art. 259 ("Recruiting, preparing or arming persons for the purpose of organizing terrorist or extremist activities"), Article 260 ("Terrorist or extremist preparation"); Chapter 16 "Criminal offenses against governance": Article 405 ("Organization and participation in the activities of a public or religious association or another organization after a court's decision prohibiting their activities or elimination related to extremism or terrorism") .

On the example of the post-Soviet states, some scientists are fair with caution refer to the introduction of criminal liability for extremism. So, VV Lunyev, V. Klymchuk believe that such legal norms the current government can use to fight the opposition and dissent. In addition, they believe that existing in Ukraine is normative the legal framework is sufficient to counteract extremist activity and to the introduction of criminal responsibility for extremist acts into the Criminal Code of Ukraine, such rules will create unwanted competition with the provisions of the anti-terrorist legislation of Ukraine and the relevant articles of the Criminal Code.

In the fundamental documents of foreign states regarding provision national security condemn manifestations of violent extremism and prosecution of the participants of the relevant extremist groups. Given the international practice, it is advisable to legislate in Ukraine the definition of "extremism" and the adoption of a law on settlement extremist activity. The author believes that at this stage more it is acceptable to impose criminal responsibility for the most dangerous manifestations of extremism, the creation, operation and financing of extremist organizations (groups) whose activities accompanied by violence (physical or psychological) at the same time it is expedient to attribute such crimes to crimes against the bases of national security of Ukraine, as extremism with signs of violence greatly threatens the national security of the state, contains the threat of violation of the integrity of society, state borders, the territory of Ukraine, the normal functioning of the supreme bodies of the state power.

Key words: national security, information security, extremism, threats to national security, terrorism.

Briukhno O., Gerasimenko E. The essence and features of administrative and legal regulation of the citizenship of Ukraine as a result of its acceptance

The article is devoted to the issue of acquiring citizenship of Ukraine as a result of its adoption.

The article explores and highlights the essence, content and main issues of acquiring citizenship of Ukraine as a result of its adoption, as well as analyzes the provisions of the legislation in the field of citizenship, which require harmonization and adaptation to the international level.

ВІСНИК НТУУ «КПІ». Політологія. Соціологія. Право. Випуск 2 (38) 2018

145

Based on the analysis of legislation, the article states that the conditions for admitting to the citizenship of Ukraine are: recognition and observance of the Constitution of Ukraine and the laws of Ukraine, filing an application for a lack of foreign citizenship or an obligation to terminate foreign citizenship, legal residence on the territory of Ukraine during the last five years, obtaining a permit for immigration, knowledge of the state language or its understanding to the extent sufficient for communication, the existence of legal sources of existence

The article also analyzes the simplified procedure for acquiring citizenship, which takes place through the adoption of the citizenship of a child living in Ukraine and one of the parents of any other person who is her legal representative and has a corresponding permit for immigration to Ukraine.

The list of documents necessary for acquiring citizenship is also provided.

The author proposes ways to improve legislation, taking into account international experience.

Key words: citizenship of Ukraine, acquisition of citizenship, conditions for acquiring citizenship, legislation in the area of citizenship.

Bugera O. Social Internet Networks and crime prevention: contemporary trends

One of the trends in the development of criminological science at the present stage is the study of the possibilities of using the Internet to prevent crime, and in particular, such an element as social Internet networks. It should be noted that the Internet is actively changing our lives and imagining the modern world without social networks becomes virtually impossible.

The negative sides of social networks include: open distribution of confidential information; the ability to deal with inappropriate content (violence, offenses, etc.); the likelihood of the use of personal information by third parties in order to obtain the benefit; cybercrime; the possibility of coordinating the activities of criminal gangs, etc.

It should be noted that social networks are quite actively used in the United States to prevent crime. The main directions of this work are: direct placement of information on crime prevention in social networks; development of blogs; chat organization; creation of digital media files, for example, in the form of lectures; dissemination of information on various crime prevention measures in social networks.

Thus, the use of social networking websites to prevent crime is one of the current trends in the development of criminological science. This is also evidenced by international experience. In particular, it is expedient to use the entire spectrum of opportunities of social Internet networks to increase the level of prevention of crime, in particular: the conduct of specialized blogs; creating audio and video files of a preventive nature; monitoring of criminological relevant information, etc.

Key words: Internet network, social Internet-networks, crime, prevention, foreign experience.

Gutsu S. Legal regulation of the Internet: international and domestic experience

Problem setting. In the modern information society, the Internet is a special information space in which classical forms of interaction are replaced by electronic ones, penetrating into activities of the state, society and citizen in all spheres. In this regard, there is a need to regulate the operation of the Internet and the relationships that arise with its help. In the legal science there is still no single approach to the definition of the concept of "Internet". There is no unity in the question of what exactly is subject to legal regulation (the technical component of the Internet or the social relations that develop with its help) and to what extent. Target of research is the definition of the main problems of the legal regulation of the Internet, the analysis of international experience in network management and the degree of its implementation in the national legislation of Ukraine.

Article's main body. One of the main problems in regulating the Internet is the difference in approaches to the definition of the Internet. Some authors define it as a technological network, others define it as a special cyberspace. Analysis of international and European experience in Internet governance shows that in most of the regulation the technical component of the Internet network lends itself. To this end, international organizations have been set up and are working to develop standards and rules for the technical functioning of the network. Settlement of social and interpersonal relations, which are formed with the help of the Internet, turned out to be much more complicated. It is necessary to balance the freedom and security of all its participants.

Conclusions and prospects for the development. State regulation of the network should be carried out taking into account the interests of all stakeholders in legal relations. Internet network management should occur on the principle of distribution of appropriate powers between state bodies and public organ-

ВІСНИК НТУУ «КПІ». Політологія. Соціологія. Право. Випуск 2 (38) 2018

146

izations. This will avoid monopolizing the technical resources of the network, excessive censorship of content, access to databases.

Key words: Internet network, legal regulation, Internet management, social relations.

Kravchuk O. New responsibility for violations of labor law – disproportionate intervention of the state into business

Problem setting. The sanctions with very high fines for various violations appeared in the labor legislation of Ukraine from 2015. The new edition of Article 265 of the Labor Code of Ukraine was issued. This development of the legislation has changed the practical and theoretical approaches to understanding labor relations and their legal protection. The practice of business and state control has faced a number of problems, some of which have no solution within the legal framework.

Judicial practice under Article 265 of Labor Code is different. Some cases have already passed a cassation review - both in The Supreme Administrative Court and in the new Supreme Court. And despite the fact that there is still no established practice, it is possible to say already that it basically is not in favor of entrepreneurs, and therefore not in favor of free development of business. Therefore, the high relevance of these issues for business emphasizes the need to analyze them in legal science.

Analysis of recent research and publications. The problems of applying legal responsibility for violations of labor legislation were considered in recent years by O.O.Bakhurinska, I.R Bezpalko, S.O.Vechurko, N.G.Voropayeva, L.O.Ostapenko, O.G.Sereda [7] and other scientists. Considering the radical change in legislation and practice, incl. judicial, relevant issues are considered by the author in this article for the first time.

Paper objective. The article aims to consider the main theoretical and practical problems of applying sanctions for violation of labor legislation stipulated in Article 265 of Labor Code of Ukraine, and to develop perspective ways to improve the legal regulation in this area.

The main material presentation. The author considers the problem of assigning responsibility in the field of labor legislation to a certain type of legal responsibility. This responsibility is classified as financial responsibility. The issues of applying the limitation period to labor offenses are considered.

The problems of imbalance in the mechanism of state control in labor sphere are analyzed. Such control might be provided by tax offices (State Fiscal Service of Ukraine) and inspectors of the State Labor Inspection of Ukraine. In particular, the author analyzes the issues of the results of inspections carried out by the tax authorities. There is no real mechanism for determining of total amount of taxes for the case when unofficial workers were identified.

The problems of regulating the powers of inspectors of the State Labor Inspection are also analyzed. The article points out to the shortcomings of the Order of State Labor Control approved by the Cabinet of Ministers of Ukraine in 2017.

Issues regarding the procedure for providing a notice to the tax authorities about hiring an employee are considered. The author points out to a lot of legal gaps in the regulation of this procedure.

The author considers the problem of fiscal direction of state control. The State Labor Inspection's of Ukraine inspection practices are not focused on partnership with business, but on punishment, that is fines. Examples of such practices are given. This practice is not evaluated by the author as very negative.

The problem of too high fines for labor offenses is considered. Judicial practice is analyzed. The author points out that in some cases high fines violate the principles of legal certainty and proportionality.

Separately, the judicial practice on the proportionality of fines is analyzed.

Conclusions. Finally, the author points out to the need to improve the legislation regulating labor control. The author notes that it is necessary to adopt certain resolutions of the Cabinet of Ministers, as well as to introduce some changes in the laws.

Key words: labor inspection, non-official workers, financial responsibility, inspection visits, State Labor Inspection.

Ogorodnik Zh. Possibility and necessity to provide functions of meditator to the notary public

There is a demand in the society for settling disputes in an extrajudicial manner. This is conditioned by the fact that in persons who encountered some conflict situations, in most cases, they would like to resolve them out of court, that is, to agree, this is due to a number of factors, in particular, the length of

ВІСНИК НТУУ «КПІ». Політологія. Соціологія. Право. Випуск 2 (38) 2018

147

litigation, the financial burden of the parties to the dispute (court fees, services lawyers, etc.). However, because individuals are parties to a dispute, it is sometimes difficult for them to meet and start a dialogue, and then there is a need for a mediation procedure.

The parties who entered into a conflict situation after some time come to the conclusion that it is better to settle in an extrajudicial manner and the necessary person who could organize a meeting of the conflicting parties, their negotiations, to suggest ways to resolve the dispute and the results of such negotiations should be implemented in the relevant legal document.

On November 3, 2016, the draft law "On Mediation" was adopted in the first reading No. 3665. Consideration of this bill is in line with Directive 2008/52 / EC of the European Parliament and of the Council on certain aspects of mediation in civil and commercial matters (Strasbourg, May 21 2008).

An important place in the mediation procedure is the mediator, that is, the person who is an independent mediator between the conflicting parties. And, in my opinion, the notary may act as such a professional independent mediator (mediator).

An analysis of recent research and publications on this issue suggests that the issue of mediation is relevant to today and attracts attention. In detail, the legal literature deals with the issues, stages and consequences of mediation, but, speaking of the need for legislative consolidation of the mediation procedure, the authors, in my opinion, pay very little attention to the requirements of the persons who will conduct mediation - mediators, their professional criteria. And a very small number of authors are considering the notary as a mediator, which is not entirely justified. Therefore, there is a need to focus more on the possibility of performing a mediator's functions as a notary.

The purpose of this article is to investigate the need to provide the notary for mediator functions and appropriate legislative consolidation. I believe that accelerating the implementation of the procedure for mediation in the legal field is possible by providing the notary with the powers and functions of the mediator with minor changes in the current legislation of Ukraine, in particular, the Law of Ukraine "On Notary". Therefore, this article is devoted to consideration of the possibility and necessity to perform the functions of an independent mediator during the mediation by the notary.

The purpose of this article is to investigate the need to provide the notary for mediator functions and appropriate legislative consolidation. I believe that accelerating the implementation of the procedure for mediation in the legal field is possible by providing the notary with the powers and functions of the mediator with minor changes in the current legislation of Ukraine, in particular, the Law of Ukraine "On Notary". Therefore, this article is devoted to consideration of the possibility and necessity to perform the functions of an independent mediator during the mediation by the notary.

At the same time, I believe that the notary is already a ready-made professional mediator in settling disputes, in particular civil, economic, family, inheritance, and, accordingly, does not require additional time for preparation for mediation. To date, a notary in performing notarial acts carries out some functions of the mediator: hears the parties, offers ways to resolve disputes, provides legal advice, certifies contracts based on the agreements reached.

It is important that the final result of the mediation is the conclusion of the relevant agreement (agreement). The certification of such a contract by a notary, which at the same time served as a mediator, would help to resolve the conflict situation on the principle of a "one-stop shop". Notary mediator: Preparation for mediation - Consideration of the essence of the conflict - Consideration of ways to resolve the conflict - Notarization of the agreement as a result of mediation. An additional positive leverage in favor of the notary as a mediator may be further notarization of contracts (for the performance of the contract by the result of the mediation), for example, sale and purchase agreements, divorce of the spouses property, etc.

In addition, the issue of confidentiality is important for mediation. And a notary who, by virtue of his duties, is required to keep a notarial secret (Article 8 of the Law of Ukraine "On Notary"), it will certainly adhere to the principle of confidentiality in the procedure of mediation.

In order for the mediation procedure to work fully, it is necessary to adopt the relevant Law of Ukraine "On Mediation"; also, it is necessary to amend the Law of Ukraine "On Notary" and to provide the functions of the notary's mediator, as it was done in many countries of the Latin Notary.

Key words: mediation, notary, independent mediator, extrajudicial settlement of a dispute, conflict situation.

Pomazanov A. Implementation of rights to cassation appeal and cassation proceeding opening

The paper is devoted to the main aspects of the implementation of rights to cassation appeal and cassation proceeding opening. The author points out that from the procedural point of view the opening of cassation proceedings can be regarded as the main and decisive element of the right to access to justice realization.

ВІСНИК НТУУ «КПІ». Політологія. Соціологія. Право. Випуск 2 (38) 2018

148

The researcher suggests talking about the right to cassation appeal, the right to open cassation proceedings and the right to cassation review, where the right to appeal is a prerequisite for two others.

It is important to find out the moment from which the right to cassation appeal can be implemented. From the content of the legislative rules governing the procedure of cassation appeal and cassation review, it appears that the right to cassation appeal should be understood as implemented since the opening of the cassation proceedings since in this case the right to cassation appeal is covered by the right to a cassation review.

At the same time, according to the author, the decision may be considered to be challenged before the completion of cassation review and the closure of the cassation proceedings. From the norms of Ukrainian legislation it follows that the moment of the opening of cassation proceedings should be considered the moment of the adoption of the relevant resolution by the judge-rapporteur, because since this moment it is possible to carry out procedural actions aimed at cassation review. In addition, the author focuses on the requirements to the cassation appeal of a substantive and procedural nature, observance of which plays an important role for the implementation of the right to appeal and is a procedural prerequisite for the opening of cassation proceedings.

The paper also focuses on joining the cassation complaint. Researcher suggests to defined this notion as a legal act certifying the maintenance of a person whose rights were previously resolved by a lower court, the claims made in the cassation appeal in order to uphold their own legal interest, as a result of which it is endowed with appropriate rights and duties. Along with this, the author makes some proposals to improve the effective procedural legislation of Ukraine.

Key words: the right to cassation appeal; cassation proceedings opening; cassation complaint accession; cassation review.

ВІСНИК НТУУ «КПІ». Політологія. Соціологія. Право. Випуск 2 (38) 2018

149