ABSTRACTS

SOCIOLOGY

Chris Weston. Decline and fall of British power: 1963 to 1990

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 at the end of 1963 when the Labour Party was about to retake power following thirteen years in office by the Conservative Party to 1990 when Thatcher resigned.

At the heart of the analysis lies the course of Economic Power which remained the Achilles heel of Britain`s decline and fall and indeed continued a trend witnessed in the aftermath of the end of the Second World War when Britain was forced to grant India its independence. Britain faced the threat of a devalued currency on several occasions in the period to 1963 and was forced to devalue its currency in 1967.

The paper briefly considers whether the UK should have agreed to the US request for support in the Vietnam War. While other countries, such as Canada and South Korea materially benefitted from their involvement in the war, the UK did not and limited itself to covert assistance – its default setting in maintaining the special relationship with the USA.

The UK eventually secured entry into the European project but this was at a most propitious time when the effects of the oil price increases impacted upon the country at a time of considerable upheaval in the economy – some homemade i.e industrial strife, some imported through the inflationary effects of the Vietnam War.

Britain`s economic crisis would culminate in its recourse to a bailout from the IMF in 1976.

The paper then goes on to consider the effects of the Thatcher years. Britain`s Military Power was enhanced in the victory of the Falklands War and Political Power was positively impacted but this did not translate into securing a greater role in Europe or more influence over the US in the special relationship. It also questions whether the Thatcher years saw any real enhancement in the country`s Economic Power.

The paper also considers whether the significant investment in sigint and covert means really magnified Britain`s power to any significant extent. The special relationship had been maintained but to unclear ends. The investment provided no discernible advantage in further its position in the European project given the UK`s proximity to the USA.

Britain`s Economic Power remained fragile albeit the collapse of Britain`s manufacturing base now led to increased reliance on the financial sector to fill this “gap”.

The next article in the series will examine the course of the UK to the present day and its options in the light of the Brexit decision.

Key words: Great Britain, sources of social power, Margaret Thatcher, economic power.

Bataeva K., Artemenko A. Conceptualization of military identity transition in modern sociology

The paper identifies specifics transition of military identity in the context of alternation theories of P. Berger and T. Lukman, habitus of P. Bourdieu, «the homecomer» of A. Schütz, and «cultural shock» of K. Oberg and B. Bergman. In the context of the theory of P. Berger and T. Lukman, it is necessary to distinguish between two modes of military identity – a weak form (correlated with partial secondary socialization in the army field) and a strong form (correlated with the alternation, which is accompanied by distancing from the past). In the context of Bourdieu's theory, the transition of military identity is correlated with the concept of habitus. The militant habitus can enter into a collision with the civil sociocultural context during the transition of a serviceman from the army to the civilian field. The contradiction between two habitus, which for a long time was formed in the military and civil sociocultural fields, can have a hysteresis (delay in adapting to social changes) by its effect. In the context of the theory of «cultural shock» K. Oberg and B. Bergman, the transition of military identity is correlated with the state of social anxiety and disorientation of an individual in the situation of sudden immersion in an unknown military cultural context in which the previous socio-cultural experience is no longer applicable. In the context of the concept of «the homecomer» of A. Schütz, the problem of the disparity of relevance systems actual in army and civil fields is analyzed, which can lead to a retardation of the reintegration

process. It is concluded that the success of social rehabilitation of veterans largely depends on their ability to transform military identity and transpose it into a civilian context.

Key words: military identity, identity transition, habitus, alternation, cultural shock, socialization, adaptation.

Krugliak M., Myroniuk M. Attitudes to the single mothers and abandoned children in the society of Naddniprianska Ukraine in the ninteenth – early twentieth centuries

In the modern world, which seeks social, national and gender equality, the problem of single mothers and homeless children is still urgent. Even though a woman of the third millennium is no longer condemned for bringing up a child without a father and not married, and such children are no longer called bastards, the presence of single-parent families still affects the development of the child's personality and the perception of his/her society. But before getting the right not to be social pariahs, single mothers had to go a long way, full of physical punishment, exile and public condemnation.

The second problem that we would like to raise in the article is the appearance of the world of illegitimate children and the state's attitude to this problem. It is important to find out what was the number of abandoned children in Ukraine in the nineteenth and early twentieth centuries, whether this was a pan-European scale phenomenon, how the state worried about such children in the shelters. The experience of the past will help to find ways to solve the problem of single mothers in modern times.

Pokrytka (from the word «cover», «pokryvaty» – in Ukrainian) is the old folk name of the girl who lost her virginity («wreath»), gave birth to an illegitimate child.

The peasants sharply negated the extra-marriageable fertility. If the girl had an illegitimate child, then she and her family were expected to be a shame, a hatred of fellow villagers, and if she had no family, then poverty. The mother of the sinner's parents often turned away from her and her child. Often she was forced to leave the village, move to the city, become a prostitute, throw a child or desperate to kill him/her. Women who had to give birth not from their husbands, tried to cause artificial miscarriage, often turned to harlots.

In the funds of the State Archives of Zhytomyr region, we find many cases of «killing the child». Most often, a woman went on such a step, if she had intimate relations with a married man, with a master, another unmarried peasant or a servant, could not financially provide her child, etc. Russian legislation severely punished women for such steps, especially during the feud days.

Russian pre-Soviet historian Ivan Janzhul noted three reasons for the increase in the number of illegitimate children in any society: 1) the degree of development and well-being of the people in connection with its laws and institutions; 2) some local customs; 3) special occasional conditions, such as: accumulation and prolonged stay of troops in a certain area, significant emigration.

So, the single mother in the XIX – early twentieth century remained a social pariah in the rural environment, although the attitude towards her and the children born to her, over time, still somewhat improved. An explanation of this should be sought in the modernization processes that encompassed Russian society in the second half of the nineteenth century, the world processes of emancipation and the gradual expansion of the principles of the traditional family. Urbanization calls for single mothers in cities where the moral teachings of a traditional society are not so effective, which is not threatened with public condemnation.

The problem of abandoned children in Russian and Ukrainian society became urgent in the late nineteenth century. Every issue of the newspapers was reported by the children left to their fate in Kyiv, Zhytomyr, Berdychiv, and others like that. Orphan houses and shelters did not contain such a large number of bastards, requiring expansion and repair. However, the functions of the state in regulating this issue were more formal in nature. The maximum responsibility for caring for these children was assumed by the public.

Key words: pokrytka, foundling, illegitimate child, single mother, urbanization, emancipation, traditional Ukrainian society.

Leshenok U. Interconnection of value orientations of the Ukrainians and electoral choice

The article analyzes the relationship between the value orientations of the Ukrainians and the electoral choice. The purpose of the article is to study this relationship by combining two sources of data – opinion poll and voting results submitted by the Central Election Commission. As an opinion poll, the sixth wave of the European Social Survey conducted in Ukraine is used, and the second source of data is the results of the Ukrainians voting in the 2012 parliamentary elections. The concept of "value" in this article is defined within Schwartz's theory as desirable goals that go beyond specific situations, differ in importance from each other and are guiding principles in human life. The analysis uses the ten Schwarz's values, which are

grouped into four value sectors, which are named «Conservation», «Self-Enhancement», «Self-Transcendence» and «Openness to Change».

Correlation between the level of values from the identified sectors and the proportion of parties that scored more than 1% of the votes in the parliamentary elections is observed on the data from both sources, grouped by region. Thus, there is clearly a tendency for a link between the high level of expressiveness of the values of «Self-Transcendence» and «Conservation» and a high proportion of the «Party of Regions» and the «Communist Party» during the analysis of the significance of the coefficients and the direction of correlation. Similarly, there is a connection between the high expressiveness of the values of «Self-Enhancement» and «Openness to Change» and a high proportion of the parties of the «Batkivshchyna», «UDAR» and «Nasha Ukraina» parties.

Accordingly, these political parties can be divided into two groups: parties whose level of support positively correlates with the values of «Self-Transcendence» and «Conservation» and the parties, whose support is positively correlated with the expressiveness of the values of «Self-Enhancement» and «Openness to Change». Whereas the values in this study are interpreted as desirable goals in human life, the author suggests that, as they become transformed into political orientations, they begin to reflect the expectations of citizens from the political forces or leaders they choose. The fixed correlation between value orientations and electoral choice opens up perspectives for the possibility of clustering parties based on the values of their supporters as an alternative to grouping parties within the classical ideological continuums.

Key words: values, value orientations, political orientations, electoral choice

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Panchenko L. To question of methodology and methods of conflict research

The article reveals the issues related to the training of future sociologists in the methodology and methods of conflict investigation. Particularly, the article analyzes some Master programs of the leading universities of the world. The article outlines quantitative methods used in the investigation of conflicts, and sources of on-line data on peace and conflict research.

Key words: methodology and methods of sociological research, conflict management, quantitative methods, qualitative methods, database of conflicts.

Skokova L. Development stages of practical and theoretical approaches in sociology

The article is devoted to the characteristics of the three stages of the development of practice-oriented approaches in sociology and sociology of culture. At the first stage, the structuration theories that opposed the subjective-objective dualism became the key approaches. The P. Burdieu`s practice theory provided an opportunity to consider the homology of social and cultural stratification, taking into account the concepts of the field, volume and structure of capital (economic, cultural, social, symbolic), habitus. This conceptual framework serves as the basis for studies of practices of cultural production and consumption. E. Giddens proposed own vocabulary, in particular, structural rules and resources, practical consciousness, discursive consciousness, reflexive monitoring of actions. He emphasizes that it is social practices that unfold in temporal and spatial routines that should be at the center of sociological research. The key figure of the second stage of practice-oriented approaches is the American social philosopher T. Schatzki. He supposed that it is the practice as nexus of doing and saying to be the basis of social ontology, and therefore the basic unit of social analysis. Based on many years of work on this issue, he offers his conceptual vocabulary, which is also suitable for operational cultural analysis. He considers the elements that are organizers of practice, that is practical understanding, teleo-affective structures, rules, generalized understanding. He also offers the concept of time-space, bundle of practice and arrangement those others. The theoretical ideas of the first and second stages of the practice theories, as well as the object-centered, relational, pragmatic approaches that are close to them, became the basis for the formation of practice-oriented research in various sociological disciplines. Practice-oriented approaches are developed in the research of organizations both at theoretical and applied levels. Practice-oriented approaches in ethnographic media studies also developed, in which new convergent media practices is understood as an element of everyday life routines.

Key words: practice-theoretical approaches, stages of practice-oriented researches, E. Giddens, T. Schatzki, applied practice-oriented research.

Shelukhin V. Internet piracy as a rational choice

According to expert estimation, 33% of informal sector of Ukrainian economy is shaped by piracy. Special 301 reports on copyright protection argue that Ukraine has serious problems with legal regulation of copyright protection. The U.S. federal government suspended the duty-free treatment of Ukrainian goods on December 22, 2017. The main cause of the act was inadequate copyright protection policy in Ukraine. This kind of policy provides favorable context for digital piracy, especially Internet piracy – using the Internet as a tool for illegal consumption of different types of goods (books, music etc.). The research paper deals with internet piracy in Ukraine. Following analysis is based on theory of rational choice with particular attention to the Becker model and James S. Coleman's conception of micro-to-macro transitions. The principle of utility maximization is a core element of the theory. According to G. Becker, person becomes «criminal» (pirate, in this case) «not because their basic motivation is differ from that of other persons, but because their benefits and costs differ». The paper focuses on the case of pirate Telegram channel «The Book Depository in Ukrainian» (2035 followers). Pirates donated some money for one print copy of a book, bought it, after that they scanned it and made available in the channel for free. All followers of the channel who donated as well as who did not, got an access for the e-copy. The author explores socio-structural preconditions of internet piracy, negative externalities and provides optimal condition for normative regulation and penalty. From the economic point of view, the optimal regulatory strategy will stultify internet piracy. Negative externalities were calculated according to the «loss function» that was provided by G. Becker for crime (3. 946. 240 UAH). The existing regulatory strategy is not optimal. The formal model for optimal fine (f'') is $f''=(2*Y)*N$, where Y – «income» of pirate after crime, N – number of pirates in the network. Here is corrected version of the research paper by the same title that was published in 2017. Please do not quote or cite previous version of the research paper.

Key words: internet piracy, theory of rational choice, J. S. Coleman's conception of micro-to-macro transitions, Becker model, utility maximization.

POLITICAL SCIENCE

Buzarov A. Struggle against corruption in Ukraine and China: comparative characteristics of some aspects

One of the most popular and discussed topics in the social and political life of Ukraine in recent years is the problem of combating corruption. In the Ukrainian state, various specialized bodies have been set up for this, a lot of activists have appeared, Western partners are allocating solid amounts of money for the struggle, and many politicians have learned to use the topic in their political interests. In China the fight against corruption is one of the priorities of the domestic policy of the country's leadership, however, the methods and system for neutralizing corruption ties differ significantly from Ukrainian counterparts.

The purpose of this article is a comparative analysis of historical experience and the actual situation in the anti-corruption policy of Ukraine and China.

First of all, it should be noted that the initiative of creating anti-corruption bodies in China did not come from outside, as in Ukraine, but from the party leadership itself. Both in Ukraine and in China, a part of civil society, which regularly opposes corruption, should continue to have the support of representatives of the authorities. If we are talking about China, then the top party leaders of the Chinese state highlight the fight against corruption (or as it is called in China with «decay») as a priority. In Ukraine, to a large extent, due to tough pressure and under serious supervision of Western partners of Ukraine, the formation of an anti-corruption system is taking place.

In the existing Chinese system of fighting corruption, one important specificity is hidden: the communist partisanship of many civil servants. This also dictates the need for the functioning of the relevant party commissions and bodies responsible for party discipline. However, the Anti-Corruption Bureau of the CPC (ACB), for example, investigates corruption crimes not only of the CPC members, but also of any official in general. In Ukraine, in view of the absence of the dominant position of any one party, there are no special party commissions of state significance, as in China.

Key words: corruption, anti-corruption, corruption in China, corruption in Ukraine, anti-corruption institutions, anti-corruption court, corrupt, NAPC, SAPO, NABU.

Hnatiuk V. The subnational comparative method: some peculiarities in modern research

Many modern research projects are increasingly turning to the analysis of subnational units, but there are a theoretical and methodological uncertainty in their comprehension.

The problem of studying the course of policy at subnational level borns in the 70's of the twentieth century and represents by a considerable number of works, but the questions of theoretical and methodological aspect begin to be understand only at the beginning of the XXI century with the release of the article by researcher R. Snyder and a few works in this direction (L. Tillin, I. Harbers, M. K. Ingram, E. Gibson).

The central category of the method is «the subnational political regime», which, despite autonomy of scientific consideration, is analyzed exclusively in a discursive section, where the role of the political national regime, the type of state structure and the condition of processes at the local level are criteria for structuring forms of the type of subnational regime in the subnational units.

The principle of A. Karenina is a fundamental basis in the construction of any type of regime in subnational units. It accumulates two points: firstly, it articulates and aggregates all the factors that determine the political processes at the subnational level, and secondly, synthesizes their integrity, which determines the specific type of subnational political regime. The principle of A. Karenina sounds like this: there are a large number of ways in which the data combination violates the null hypothesis, and only one variant in which the hypothesis is valid. The idea of A. Karenina's principle is directly correlates with the comprehensive analysis of any subnational unit of the state. After all, in the presence and real functioning of all democratic institutions and structures in a particular territorial unit, the type of regime will be «pure» democratic (as an ideal condition), other situations are determined by numerous variations in the linear development from autocracy to democracy: at the same time, the degree of distance from the ideal conditions produces a specific type of subnational political regime.

The subnational comparative method is a modern research tool by which comparative political researchers conduct investigations. His appearance is conditioned by political practice, which requires own theoretical and methodological design. On the other hand, today it does not receive the status of a conventional fundamental methodology for subnational researches. In essence, the method is a synthesis of methodological and theoretical developments of various authors, which does not eliminate its uniqueness and efficiency, and, as a result, it is flexible in use in modern political science research.

The subnational comparative method is open for updating and improving. In the article, it is noted attention to the old basics, and also highlighted some new peculiarities in modern researches.

The subnational comparative method in political science is the process of theoretical and methodological crystallization. The authors who laid the foundation, supplemented by new developments. This process continues, and, in the end, it must be formed as a general paradigm for the analysis of subnational units in the state. The scientific potential of subnational politics has achieved the greatest freedom, since the theoretical barriers (national bias and federative monism) have been overcome, and hence the prospect of full-fledged research projects based on the use of new achievements of the subnational comparative method and the author's methods of measuring and categorizing the types of regimes of subnational units.

The number of countries, which need analysis is equivalent to the number of states with problems of establishing the democratic foundations of a public organization as a whole. Prospects are grandiose in such researches today.

Key words: subnational comparative method, subnational unit, subnational political regime, comparative political science, subnational policy, principle of A. Karenina.

Ievsiukova A. Problemming of the civic education periodization in the context of the development of ideas of democracy (second half of the XIX century – 2018)

Under present conditions, civic education is a requirement of the present day, an important factor in democratic transformations, changes in the value orientations of citizens. Hence, increasing attention to its analysis and improving the quality of implementation is an urgent necessity for many democratic states, and should start with a study of its periodization.

Defining the issues and developing the periodization of civic education in the context of the development of democratic ideas in the second half of the XIX century. – including by 2018, it is worth noting the following. By studying the historical retrospective of civic education, we outlined the six main periods of its development in the context of the ideas of democracy: 1) The period of crystallization of the ideas of democracy covered by the time frame of the second half of the XIX century provided for the grad-

ual establishment of civic education as a universal doctrine based on the model of liberal democracy J. S. Mill and concepts of education of a «democratic citizen»; 2) The period of the adoption of democratic ideas, which began at the beginning of the XX century, marked the recognition of it as one of the basic priorities of democratic development of society and its transformation into a mass social phenomenon (the creation of the first European Association of Civic Education and the publication of sign labor played a significant role in these processes) American philosopher J. Dewey «Democracy and Education»); 3) The period of the first studies on civic education in the countries of established democracy (second half of the XX century) envisaged the beginning and implementation of the first fundamental studies on civic education in the countries of established democracy; 4) The period of change in the role of civic education in establishing democracy in the countries of Central and Eastern Europe, which begins at the end of the XX century, envisaged the transformation of civic education from the tool of political indoctrination into a powerful factor in democratic change and the active role of citizens, in particular young people in the life of their own society; 5) The period of civic education in the context of global citizenship (the beginning of the XXI century) marked the new scale of its development, due to the dynamic changes in the world arena and the emergence of global citizenship, the formation of new tasks and the transformation into a permanent object of attention and priority the direction of the Council of Europe and the institutions of the European community, the state policy of many states; 6) The modern period of civic education in the context of digitalization and the search for new tools (2010-2018) is characterized by new challenges for civic education, associated with active information development, the emergence of citizenship and the new digital civic education mediated by digital technologies and online tools.

Consequently, the study and study of the experience of the emergence and formation of civic education in the context of the development of ideas of democracy from the second half of the XIX century by 2018, allows us to characterize it as a complex multidimensional phenomenon that developed under the influence of many factors and trends, the significance and correlation of which is due to specific historical, socio-political and legal realities. Also, it will help to explore the various ways that different countries have used, responding to social challenges, carrying out a reflection of educational traditions and their dynamics of development, etc.

Key words: periodization, major periods, civic education, citizen, democracy.

Klyuchkovych A. Civil society in modern Slovakia: peculiarities and problems of functioning

The institutional, legal, organizational, financial conditions of functioning of civil society in the Slovak Republic are highlighted in the article.

The author focuses on the peculiarities of the activities of non-governmental organizations. The quantitative and qualitative characteristics of non-governmental organizations are analyzed.

The problematic aspects of functioning of civil society in modern Slovakia are singled out: imperfect legal regulation of the activities of non-governmental organizations; unfinished construction of an institutional mechanism for interaction with the state; weak integration of the non-governmental sector into the system of decision-making; fragmentation of non-governmental organizations; limited financial resources and instability of the activities of civic organizations; growing distrust of the political elite, parties and mechanisms of democracy; increase of political apathy of citizens; reduction of civic participation; activization of subjects of uncivil society (radicals and extremists).

Relations between the government and the third sector in Slovak Republic were difficult for different approaches of the ruling coalition to cooperate with public organizations. The role of non-governmental organizations in the struggle against authoritarian tendencies in 1994-1998 was emphasized.

The attention is focused on the negative trends of social development in Slovakia that require the attention of the state and civil society.

Key words: Slovak Republic, civil society, non-governmental organizations, civic participation, democratization.

Osadcha Y. Competitive intervention of third parties and its influence on the dynamics of internal armed conflicts (on the examples of Syria and Ukraine)

The article concerns the problem of the interrelation between domestic and international in the course of modern civil wars and internal conflicts. It is argued that due to numerous changes in tactics of warfare

and global-scale effects of local wars each internal conflict becomes a matter of the international action. Therefore, the main question is if this action is beneficial or not.

The author analyzes various schools of thought that concerns the effects of external intervention into internal conflicts. We disapprove the idea that it is always beneficial and provides effective peace negotiations. Moreover, it can prolong internal conflicts due to various reasons. On the one hand, third parties can chase their own interests and thus hamper the peace process. On the other hand, their interest can be described as the continuation of the conflict by any means as it serves some other purposes.

Consequently, neither of the cases (Ukrainian or Syrian) can be described using the notion of external intervention as a mean of conflict resolution. Therefore, we apply the theory of competitive intervention, which concerns the participation of third parties as the expression of their own interests. This theory is the most appealing because it is capable of explaining why third parties limit their help to domestic combatants and strike a balance between their support to different groups.

Moreover, the author argues that conflicts in Syria and Ukraine are connected due to the similar set of the interested parties. In addition, this connection contributes to the dynamics of each of the conflicts.

Key words: civil war, internal conflict, intervention, proxy warfare, competitive intervention, Syria, Ukraine.

Pitei N. Basic principles of Barack Obama administration's foreign policy: Russian context

The 44th president of the United States – Barack Obama belongs to American leaders, whose policy has caused the most controversial expert assessments. On the one hand, the United States welcomed Obama's aspirations to change the country's hard-line foreign policy of his predecessors, while at the same time mercilessly criticizing and accusing him of weakness and uncertainty on the international arena.

It should be noted that Russia has been and remains an influential actor on the international scene, which Barack Obama administration viewed as a potential ally in solving global problems related to terrorism, nuclear weapons, global climate change, etc. However, Russia had fundamentally different foreign policy goals and priorities in the framework of the dialogue with the official Washington, what could not be accepted by the White House. Thus, the Russian Federation actively supported the Syrian President Bashar al-Assad; the Ukrainian Crimea was annexed by Russia and an encroachment into the Donbas territory took place, which was supported and organized by Russians; Russians provided refuge to a former employee of the Central Intelligence Agency and the US National Security Agency Edward Snowden; Kremlin leaders have repeatedly stated that the US missile defense system would pose a threat to Russia's strategic nuclear forces, thereby they interfered with the implementation of the above-mentioned plan on the European continent, etc.

The main regulatory acts in the area of foreign policy issued by the Barack Obama administration were National Security Strategies of 2010 and 2015. It should be emphasized that, despite the fact that the documents have much in common, the provisions concerning the Russian Federation differ significantly from one another.

Confrontation in Syria and Iran; the so-called «War of the Lists» («Magnitsky Act» and «US adoption ban bill»); Scandalous case with former CIA officer Edward Snowden; the issue of the deployment of missile defense system on the eastern wing of NATO; the illegal annexation of the Crimean Autonomous Republic and the hybrid war in eastern Ukraine and, consequently, sanctions against Russia have caused deterioration of relations between these two countries. This state of affairs was reflected in the new Strategy of 2015, where the Russian Federation was characterized as an aggressor and violator of international law.

The position of the most influential international actor, which is the USA, as well as the Russian Federation, who have significant, if not decisive, levers of influence on processes in Eastern Europe, are extremely important for our country. This shows us a high degree of purely scientific and practical significance and importance for Ukraine.

The purpose of the study is the Russian context of the Barack Obama foreign policy.

The objectives of scientific research are the following ones: to analyze the main foreign policy regulations issued by Barack Obama administration with the main emphasis on Russia; to examine the White House initiatives aimed at improving the dialogue with the Russia; to study what caused the deterioration of relations between two counties; to define the important international steps made by Russia and reaction on them by the United States during Barack Obama presidency.

Key words: the US, Russian Federation, foreign policy, US-Russia bilateral relations, «Obama's Doctrine».

Popkov D. Split society: proposals for the operationalization of the terms

The article analyzes a definition of the destabilization of a heterogeneous society in the scientific literature. Consuming in the dosages of political phenomena in the law of the spheres and in the systematic unsteadiness of the alternating operations of science-based science terms. From the proper and unified awareness of the significance of these definitions, further scientific (in the context of suitability for comparison and delineation with other concomitant phenomena) and practical value (use in forecasting and planning of political activity) of theoretical constructions will depend on the value of these definitions.

To the historiography of the issue, put forward in the title of the article, can be attributed to scientific research and labor within:

- theory of social cleavages of Lipset – Rokkana;
- discourse around the concepts of «distributed rule», which particularly distinguishes the names of such bright comparators as A. Leiphart and D. Horowitz;
- concepts of civilizational breakdowns by O. Spengler, A. Toynbee and S. Huntington.

The purpose of this article is to substantiate the adequacy of the dynamic approach proposed by us to ascertaining the transformation of the lines of social separation into a threat to the integrity of the state, characterized by a sequence of stages of the disintegration of the integrity of polity, the application of the term «social split» as a stage following the division of society and preceding it collapse.

The author argues that society in the modern state, as a heterogeneous integral system, operates in the interval between marginal interval points of the pre-political state of quasi-monotony and decay. The article states that the qualitative conditions of society in the context of secessional threats on this interval correspond only to two stages, which for different societies can be located at different «distances» from the «beginning / end» of the interval.

The key difference between the stages of the author determines the presence of conflict articulation incompatible to the simultaneous satisfaction of interests allocated by primordial features of social groups.

Key words: heterogeneous society, fragmentation, identity, social segment, disintegration of the state.

Iakovleva L. The rationale of the legitimacy of public power in liberal, republican and discursive traditions

The phenomenon of power not only plays a key role in politics, but it is also central to the entire complex of social relations.

The problem of power is an inexhaustible topic for scientific research, philosophical reflection, literary reading and artistic interpretations. For this reason, any research of power needs preliminary explanations regarding its subject and the introduction of distinctions to narrow the problematic field. The first distinction in this research is the opposition of power and violence, which allows focusing on one of the traditions in interpretations of the legitimacy of public power. The second distinction in the understanding of power is between approaches of atomism (individualism) and holism (collectivism). This is the distinction between intelligent and selfish individuals who pursue private interests and individuals (also intelligent, but not extremely selfish), who are aimed at achieving the common good. It is noted that the legitimacy of power cannot be justified by the potential threat of the use of violence; therefore the only source of it is the support of citizens. Only public power can be legitimate. The third distinction is the subject of this research: the analysis of the features of liberal, republican and discursive traditions in the treatment of publicity, public sphere (space), legitimacy of public power, etc. The research of publicity or public sphere was initiated in the liberal tradition. The representatives of the liberal tradition stressed the need for openness, rationality, and criticism in relations between power and citizens. The representatives of the republican tradition continued the research of public sphere and public power in terms of inclusiveness (inclusion) in the ruling process of the majority of citizens, their equality to choose and be elected. They reminded that democracy is, first and foremost, a «shared cause» for all citizens. Public sphere is characterized by the versatility and the competitiveness of citizens who possess civil (republican) virtues.

In the works of the German researcher J. Habermas, who argues with the liberals and the republicans, the normative ideal of publicity (or «public sphere» in the English translation of the Habermas's term «Offentlichkeit») is presented in terms of the discursive approach.

Thus, the prerequisite for the legitimacy of public power is democratic elections, the result of which gives winners the right to power; the legitimacy of public power is substantiated in the moral and political discourse; the process of ensuring the legitimacy of public power requires communication based on rational arguments between power and citizens.

To sum up, the legitimacy of public power is created and reproduced as a result of rational interaction in the public sphere between power and citizens. This allows overcoming both the selfishness of individuals and the compulsion of the state.

Key words: public power, legitimacy of public power, liberalism, republican tradition, discourse approach, communication.

LAW

Briukhno O. Administrative and legal procedures and grounds for termination of nationality obtained by its loss in Ukraine

This article is attached to the study of administrative-legal order and one of the reasons for the termination of Ukrainian citizenship – as a result of the loss.

The article explores and highlights the essence, content and key issues of the termination of Ukrainian citizenship, namely: as a result of expulsion from the citizenship of Ukraine; as a result of the loss of citizenship of Ukraine and on the grounds provided by international treaties of Ukraine.

However, the author investigates one of the most problematic reasons for terminating Ukrainian citizenship – loss of citizenship, as well as analyzes the legislation on citizenship, namely, international acts, the Constitution, laws and bills.

On the basis of which the author proposes to introduce changes to the legislation on the improvement of the legislation of Ukraine in the administrative and legal aspect, by way of ignoring it to international standards and norms.

Key words: termination of citizenship of Ukraine, grounds for termination of citizenship, loss of citizenship, national legislation in the area of citizenship, administrative and legal procedure for the termination of citizenship.

Govorun V. Administrative and procedural security of the intrusion on citizens' rights on the secrecy of correspondence, telephone conversations, telegraphic and other correspondence

The article establishes the limits of administrative law norms regulatory influence sphere during the interference of the state with the citizens' right to the secrecy of correspondence, telephone conversations, telegraph and other correspondence. The place of the administrative procedure in the course of such an intrusion is determined. Different scientific approaches to the definition of the administrative procedure concept and classification of administrative procedures are considered. The place of «intrusion» administrative procedures in this classification is determined. The problems connected with the necessity of interference by the state in certain human rights or their restriction with the aim of guaranteeing the person's other rights protection or other peoples' rights are investigated. The issue of the procedure for the implementation of such an intrusion regulation is considered in order to ensure law and order and exclude the possibility of state bodies' uncontrolled intrusion into the sphere of citizens' private life. The article analyzes the norms of the National Legislation of Ukraine, which regulates the intrusion of the state in the citizens' right to the secrecy of correspondence, telephone conversations, telegraph and other correspondence. The boundaries of administrative law norms on the normative regulation of intrusion with the citizens' rights to the secrecy of correspondence, telephone conversations, telegraph and other correspondence legal influence is outlined. Within the study, it was found that an intrusion into the citizens' rights on the secrecy of correspondence, telephone conversations, telegraph and other correspondence should be carried outa according to a clearly regulated procedure at the legislative level. Along with this, there are separate cases in which intrusion in the citizens' rights can not be considered as a violation or restriction of the right to privacy of correspondence, telephone conversations, telegraphic and other correspondence, in particular, when such an intrusion is carried out with the consent of persons for whom relevant measures are being taken.

Key words: civil rights, secret, correspondence, privacy, administrative procedure, interference.

Guyvan P. The essence of the principle of the effectiveness of law. Time aspect

In the paper, questions of the effectiveness of legal prescriptions, which are very relevant for Ukraine, are investigated. The effectiveness of law as a social phenomenon includes a whole range of issues, ranging from legal understanding, lawmaking, functions of law, and concluding the actual operation of law and its prediction. In this case, the substantive law that mediates these relations must meet the criteria of clarity, expectancy, certainty and effectiveness. In the temporal dimension, its determinateness, predictability and timeliness are important factors that ensure the proper effectiveness of the legal norm. After all, negative social consequences can result either as a belated settlement with legislative provisions of public relations, which have long existed, and premature fixing in regulatory acts of regulators of relations, which have not yet acquired relevance. It is important that the concept of law be directed by its semantic vectors into the future. To do this, it is necessary to maximally limit the reverse effect of legal norms in time, to ensure public awareness of their content (to apply only promulgated acts), to ensure their fair enforcement.

The article proves that the concept of effectiveness of legal norms is associated primarily with the effectiveness of their application. At the same time, efficiency is closely linked to the criteria and conditions for such enforcement. This happens, both in the practical implementation of regulatory legal relationships, and within the protective relationship. At the same time, the latter's value lies in the fact that the protection of the violated subjective substantive law occurs within the framework of a new relationship that did not exist before the offense. Therefore, the predictability and predictability of a person's protective response to violations is particularly important here. For a more thorough knowledge of the subject of research, the paper analyzes the legal toolkit, according to which the state authorities are limited in their actions to pre-established and declared rules, which make it possible to predict with great precision the measures that will be applied by the authorities in a given situation, taking into account what an individual can confidently plan his actions.

The main criterion for the efficiency of the legal norm is the effectiveness of its practical implementation by law enforcement agencies, therefore the real factors determine the factors that are in the sphere of law enforcement. This includes the provision of those or other prescriptions with material and organizational resources, the conformity of the norms of social thought, the clear work of law enforcement agencies, and the like. In the temporal sense, the effectiveness of the law is achieved through proper knowledge and possession of the methodology of legal processes, which allows expecting proper enforcement, predicting its results, and hence the future state of the legal system, prevent negative consequences, reduce possible risks. The application of the principle of the effectiveness of law in practice in the practice of the European Court of Human Rights has been studied. It is that the parties to the case have the right to submit comments, which they consider important. This right can be considered effective only if the remarks were «heard», that is, adequately reviewed by the court. So the court must conduct proper consideration of the documents and evidence submitted, and the arguments and evidence provided by the parties. Violation of these requirements of a fair process as a consequence leads to an illegal decision.

In the area of temporal regulation of fair trial, the effectiveness of the legal norm is related to the reasonable duration of the trial and the execution of final judicial verdicts. Demanding compliance with the principle of reasonableness of the terms of the process The Convention for the Protection of Human Rights and Fundamental Freedoms is interpreted by the European Court of Justice as an instrument that emphasizes that justice NOT the Valley is delayed, capable of compromising its effectiveness and credibility. However, this principle covers not only the tools for the implementation of timely justice, but also applies to the regulation of the relevant actions of participants in the process.

The paper points out the serious shortcomings of the national judicial system and the timely preparation of cases for consideration, the conduct of the process and the implementation of final decisions within a reasonable time. It is noted in the inadmissibility of applying non-promulgated legal acts, which very often occurs in Ukrainian courts. Such a use of the legal norm will be ineffective, because the principle of expectability and predictability is violated, which makes it impossible for the person to predict his behavior.

Key words: the value of the legal norm, the effectiveness of law enforcement.

Husiev O. Submission of electronic evidence to court in civil procedure: problems and prospects

Digital evidence is an important concept for the theory of various procedural legal sciences. The introduction of this new means of proof into the civil procedural legislation of Ukraine led to the need for a detailed study of the peculiarities of the legislative regulation of the digital data use in justice.

The general ways of submitting evidence to court, provided for by the Civil Procedure Code of Ukraine, are: 1) to submit evidence together with a statement of claim or a reference to it; 2) through the court registry; 3) via the Uniform Judicial Information and Telecommunication System, or 4) in a court hearing together with a petition for the attachment of evidence. The submission of electronic evidence using UJITS is potentially the most convenient way, but until the System works, one can only hope the developers would thoroughly devise all the nuances of its functioning. At the moment, among all possible, the submission of electronic evidence together with statements on the merits of the case appears to be the most rational and easy way, although the delay in bringing the by-laws in accordance with the current procedural law significantly reduces the effectiveness of judicial reform. The submission of electronic evidence in a court hearing encounters difficulties with its prior assessment.

It is concluded that the presumption of relevance of electronic evidence, widespread in many foreign countries, may become a solution for this issue.

Key words: civil procedure of Ukraine, submission of evidence, electronic evidence, UJITS.

Yefimenko L. Analysis of legal regulation and organization examination of goods (samples) of goods in customs controls

The article analyzes the current status of legal support and organization of taking samples (samples) of goods during customs control. The essence and peculiarities of the corresponding procedure are characterized, in particular, the urgent problem issues and ways of their solution are outlined.

In particular, as stated in the article, the importance of controlling the taking of samples (samples) of goods should be given to the interaction of the structural divisions and territorial bodies of the State fiscal service of Ukraine with the Specialized Laboratory for the examination and research of the DFS during the conduct of studies (analyzes, examinations) In this case, in order to identify the goods and customs clearance of the relevant documentation, the customs authorities have the right to take samples of goods for their research in the specialized laboratories, and its main task is to ensure the implementation of the state tax policy and policy in the field of state customs business, including state policy in the field of fighting offenses in the application of tax, customs legislation.

Within the framework of the study of sub-normative legal acts, it was concluded that realization of practical aspects of the powers of officials of the bodies of income and fees for carrying out the examination, including the taking of samples (samples) of goods during customs control, is characterized by certain inconsistencies and needs to be clarified.

In particular, it is considered necessary to pay attention to the omission of the Legislator regarding the regulation of the order of taking samples (samples) of goods during customs control at the level of the Criminal Code of Ukraine and Order number 1058.

It is noted that the practice of taking samples (samples) of goods for customs purposes shows that for this purpose the relevant Standards for taking samples (samples) of goods for conducting research containing test methods of production for the purpose of checking the quality and other indicators of products that may not meet the objectives customs control. In addition, as a rule, the examination takes the minimum quantity of goods, in particular one unit, without taking into account the control and arbitration part of the examination object. This, in turn, leads to the impossibility of determining the representativeness of the samples (samples) of the product, and as a consequence of the statistical error in the study of the product, although this is provided for by the Norms for product testing.

Key words: procedure of taking samples (samples) of goods, legal regulation of the procedure for taking samples (samples) of goods, violation of the rules for taking samples (samples) of goods.

Melnyk V. Historical and Legal Research of the Era of the Kyivan Ruler Askold (860-882): Trade Routes and Byzantine Suzerainty

The Principality of Kyiv (IX century) was born as a result of the struggle for the direct use of the Dnieper trade route by the Slavs, without the usurious mediation of the Khazar merchants and bureaucracy. By promoting the political independence of the Kyiv region, the Byzantines during the 860-870s were able to frustrate the creation of a common border and, accordingly, a military alliance between Vikings and Khazars. Stimulating the economically Kyivans, sending their merchants to Kiev, the Byzan-

tines reoriented the Norman trade from the Volga to the Dnieper. Previously, the Vikings shared with the Khazars, but thanks to Askold Vikings began to pay money to the people of Kiev and the Greeks. Political problems in Khazaria and the Islamic Caliphate contributed to the reorientation of the economic attention of the Scandinavians to Kiev.

The functioning of the Dnipro trade route had two forms:

1) collection of the transport duty from the Vikings for the transit of goods to Byzantine Chersonesos (Crimea) and Constantinople;

2) collecting tax on the sale of goods from those foreign merchants who traded in the Kyiv market.

Kyivan Rus (more correctly – Kyivshchyna, Principality of Kyiv) appeared as a form of administration of two fees: a transport tax and a sales tax. On the top of this pyramid was the Byzantine emperor, who provided legal status and international support (Ugrians, Pechenegs, Bulgarians).ve.

Key words: Age of Askold, Kyivan Rus, Principality of Kyiv, Khazar Khanate, Byzantine Empire, Dnieper trade route, Vikings, Normans, Askold baptism, Ruska era.

Myslyvyy V. Co-infliction in crime

The article deals with problem of joint criminal behavior of several subjects in reckless crimes.

The author has exposed the genesis of discussion approaches concerning co-operation in domestic and foreign doctrine, as well as examples of co-infliction in crimes in terms of scientific and technological progress, confirmed by judicial practice. He has noted a spread of crimes with signs of co- infliction in the area of traffic, characterized by the guilt of several vehicles' drivers. He has argued that the criminal law and judicial practice artificially divide these acts into several reckless crimes. Such an approach leads to an objective attitude to accuse one person for the result of criminal negligence behavior of other actors. He has disproved that there is a position in theory and court practice that only one person can be guilty of a road traffic crime.

There is the critical analysis of the recommendation of the Supreme Court of Ukraine regarding the practice of courts to apply legislation on road traffic offenses concerning the criminal liability of two or more drivers who have caused an emergency. Taking into account the theory, expert and judicial practice, the author has made the analysis of the concept «emergency situation» as an indication of the objective side of these crimes and its significance for co-infliction.

He has concluded that co-infliction in a crime should be regulated by criminal law which in the theoretical and applied aspects requires the definition of: doctrinal principles of the institution of co-infliction; the concept of co-infliction in a crime and its features; forms of reckless co-infliction; types of participants in co-infliction; delimitation of co-infliction from complicity in a crime; peculiarities of criminal liability of subjects of infliction and their punishment; system of rules concerning co-infliction in a crime for introduction into criminal legislation.

Key words: crime, criminal liability, criminal negligence, co-infliction in crime.

Moiseev M. Administrative and legal regulation of the activities of Ukraine's state bureau of investigation

The article is devoted to the study of the issue of administrative and legal regulation of the activities of the State Investigation Bureau of Ukraine. The urgency of the study is due to the fact that the activities of any state agency, including law enforcement agency, is difficult to imagine without proper legal regulation of its activities. Moreover, the feasibility of the study is confirmed by the fact that the State Bureau of Investigations is a new body in the system of law-enforcement agencies. Therefore studying the specificity of its legal regulation at the moment will allow to direct its formation in the right direction.

Taking into account the above, the purpose of the article is to define the specifics of legal regulation of the activities of the State Investigation Bureau of Ukraine as a new law enforcement agency.

To achieve this goal, the essence of the concepts of «regulation», «legal regulation», «administrative and legal regulation» are disclosed. The sources of administrative and legal regulation of activity of the State Bureau of Investigations are determined. It is concluded that the hierarchy of sources of administrative and legal regulation of the activities of the State Bureau of Investigations has the following form: the Constitution of Ukraine, international acts, laws of Ukraine, bylaws.

Taking into account the peculiarities of the activities of the State Investigation Bureau, separate regulatory and legal acts regulating the activities of the State Investigation Bureau are considered.

The author emphasizes the fact that the administrative and legal regulation of the activities of the State Bureau of Investigations is at the stage of its formation, which is confirmed in particular by the fact that mainly subordinate acts are devoted only to the organization of the activity of the said body, personnel selection, etc. In addition, there are no regulations that regulate the interaction between the State Bureau of Investigations and other law enforcement agencies in order to fully accomplish their tasks.

Key words: legal regulation, administrative and legal regulation, State Bureau of Investigation, normative act, international act, by-law.

Pankova Z. Administrative regulation as an instrument for intermediary of subjects at the provision of administrative services in the economy

The improvement of the administrative services is aimed at achieving better results with a proportional reduction in costs incurred.

Today, the issue of improving the information and technological components of the provision of administrative services is of particular importance.

One of the most important directions of increasing the efficiency of administrative activities of public authorities and management is the introduction of administrative regulations in their law enforcement activities.

All of the above makes it possible to conclude that the administrative regulation – is a normative document that regulates social relations in the field of implementation of executive and administrative activities.

In our opinion, successful and systematized definition of «administrative regulation» as a comprehensive description of the order of execution of a separate business process, which ensures the implementation of the function or several functions of the executive body; a system of regulations and standards for the implementation of administrative actions; norms of activity of the authorities; normative act that defines the sequence of interaction of people authorized to make decisions during administrative (government-related) work.

Administrative regulations are the basis for optimizing public functions and translating them into electronic form. Administrative regulations as information-capable regulatory documents should contain very important information for the parties to the relevant legal relationship. The main purpose of the administrative regulation of the provision of administrative services in the field of economics, as noted, is the optimization (improvement of quality) of the provision of the above mentioned services. Administrative regulations should detail the standards and mechanisms for the exercise of citizens' rights in the provision of administrative services.

Taking into account the foregoing, we believe that the regulation of administrative services in the field of economics is an important step in the development of the institution of administrative services, designed to simplify the procedure for the provision of administrative services and bring it to a qualitatively new level.

Key words: administrative services, subject of provision of administrative services, subject of appeal, administrative regulations, quality of administrative services.

Priamitsyn K. Court fee in tax disputes – factor of restricting access to justice

The right of everyone to appeal in court decisions, actions or inactivity of state authorities, local self-government bodies, officials and officers is enshrined in Article 55 of the Constitution of Ukraine and is considered to be one of the inalienable rights of a person and a citizen. This right is enshrined in a number of other normative legal acts, in particular, international ones ratified by the Verkhovna Rada of Ukraine.

Based on the fact that disputes regarding the recognition of actions and decisions of controlling bodies are property, there is a frequent violation of the rights of taxpayers by the controlling bodies. This is due to the fact that during the inspection, drafting, signing and making a decision, its representatives feel that there will be no punishment for their illegal actions and decisions, which leads to unreasonable conclusions and, as a result, lawlessness.

The state does not sufficiently ensure the rule of law, as evidenced by the practice of the European Court of Human Rights in cases of appeals against actions and decisions of the controlling bodies of

Ukraine. An example of such a case is the case of "Shokin v. Ukraine". In recent years, Ukraine has faced a significant impediment to access to justice for taxpayers, unreasonably defined excessive rates of court fees, which causes irreparable harm to the authority of the state and state bodies, alters, in general, the notion of administrative legal proceedings as protection of individuals from unlawful decisions, actions and inactivity of state bodies and their officials.

We believe that the jurisprudence on the qualification of litigation concerning appeals against decisions of controlling bodies regarding the addition of taxes and duties and the imposition of fines in the field of taxation as property disputes, with the application of the corresponding high court fees, should be assessed extremely negatively. Therefore, it is necessary to remove as soon as possible the obvious legislative obstacles to the administration of justice, by reviewing the practice of applying the institute to the price of a claim to administrative cases, and amending the legislation that includes tax disputes on appeals against decisions, actions and omissions of controlling bodies, to claims of property.

Key words: court fee, administrative proceeding, tax disputes, principle of accessibility of justice, taxpayers.

Stasyuk O. Administrative and legal support of activities of judicial authorities in the sphere of realization human rights in Ukraine

The article is devoted to the study of administrative and legal support for the implementation of the human rights function by the judicial authorities. It was emphasized that one of the main functions of the judicial authorities is to protect the rights, freedoms and legitimate interests of a person and a citizen, which is implemented in the form of administering justice.

Attention is drawn to the fact that some scholars consider the human rights function of the judiciary within the framework of law enforcement. It is argued that human rights and law enforcement functions are two separate functions of the judicial authorities. The decisive factor in resolving this issue is the delineation of such categories as «protection» and «protection», since they are applied in the same sense of human rights and law enforcement functions. The protection can be considered as a system of legally established material legal guarantees, as well as the activities of authorized bodies for their implementation in order prevent the violation of the rules of the current legislation. In turn, the protection of rights is a set of measures of an organizational and legal nature implemented by the competent state bodies and organizations to which such a right is provided by the current legislation within the legal process (legal procedures) in order to restore the violated right, eliminate obstacles in its implementation, eliminate a real threat of violation of subjective rights by unlawful actions, as well as for the purpose of applying to the offender measures of legal coercion.

The essence of administrative and legal support of judicial authorities in the sphere of realization of human rights protection functions of the state is revealed. The legal problems of administrative and legal regulation of the activity of the judicial authorities concerning the protection of rights, freedoms and legitimate interests of a person and a citizen are presented, and the ways of their solution are formulated. It is stated that the state of administrative and legal support of the activity of the judicial authorities in realizing the human rights protection function of the state is far from ideal. Lack of guarantees of independence of the judicial authorities, political dependence, abuse, corruptions are those factors that lead to ineffective implementation of the human rights protection function of the state. In order effectively implement the human rights protection functions of the state, it is necessary to eliminate the existing problems of the judicial system and to improve the current administrative and legal support of the activities of the judicial authorities.

Key words: human rights protection function, administrative-legal support, judicial authorities, judicial system, rights and freedoms of man and citizen, state.

Torbas O. Liaison between the size of material damage caused be offence and the size of bail in criminal proceedings

According to Article 2 of CPC of Ukraine, the objectives of criminal procedure are the protection of individuals, society and the state from criminal offence, the protection of rights, freedoms and legitimate interests of participants in criminal proceedings, as well as the insurance of quick, comprehensive and

impartial investigation and trial in order that everyone who committed a criminal offence were prosecuted in proportion to his guilt, no one innocent were accused or convicted, and no one were subjected to ungrounded procedural compulsion and that an appropriate legal procedure applied to each party to criminal proceedings. Accordingly, all criminal procedures should be transparent, and institutes – predictable. However, at the moment the most intricate and unclear aspect of the criminal process is the procedure for determining the size of bail as a measure of restrain. It is worth noting that, even despite the numerous criticisms of the use of bail, this measure of restrain is still fully effective and understandable for ordinary citizens. Moreover, according to the CPC of Ukraine, investigating judges, when choosing a measure of restrain in the form of detention, are obliged to determine the size of bail as an alternative measure of restrain (with some exceptions). Thus it is necessary to analyze the procedure for determining the size of bail in criminal proceeding. And first of all, it is necessary to understand the impact of the size of property damage inflicted by a criminal offense on the size of bail.

Thus, in order to establish liaison between this factors, 191 of investigating judges for the 2015–2018 period were analyzed. The category that unites all these rulings was the presence of a clearly defined property damage in the hryvnia equivalent. Also it should be noted that the bail as a single measure of restrain is used by investigating judges quite rarely.

The analysis of the liaison between the size of property damage and the size of bail showed a strong correlation between these values. However, the distribution of this rulings into groups according to the severity of crimes demonstrated a reduction in the correlation coefficient with a reduction in the severity of crimes. Moreover, there is almost no correlation between minor offences. This leads us to the conclusion that the size of property damage is an important criterion for determining the size of bail, but it cannot be a key factor. Therefore, judges should evaluate all circumstances that were given to them during the process of establishing a bail.

Key words: bail, size of bail, size of material damage

Fedchyshyn D. Features of the judicial protection of land rights

In order to ensure the proper exercise of land rights it is important to pay attention to the issues related to the protection of land rights. These issues have always been the focus of both scientists and legislators. According to the Constitution of Ukraine (Article 55) the state, recognizing a person as the highest social value in society, ensures the right of a person to judicial protection, obtaining qualified legal aid, access to justice.

Today, the issues of judicial protection in the field of land relations are becoming increasingly relevant. Taking into account the status of the court as an independent body that obeys only the law, has constitutional guarantees of independence, transparency in the examination of cases, adversity and detailed regulation of the process, other democratic principles of legal proceedings, we can speak about the greatest objectivity and justification of the court's decision.

The state as an entity, obliged to provide protection of the benefits of citizens from encroachments, must compensate the citizen for the damage caused to him by the actions of the court acting on behalf of the state if the court decides the civil case incorrectly, and thus in violation of the citizen's right to judicial protection.

Claim is a means of protecting land rights. It is characterized by the following features: 1) the existence of a legal claim arising out of a violated or disputed right, which according to the law, should be considered in a certain order; 2) the existence of a dispute about the right; 3) the presence of two parties with opposite legal interests, which provided a wide opportunity to protect their rights and legal interests in the dispute; 4) the presence of a third, unbiased, independent of the parties, the person (body) whose task is to resolve the dispute, and 5) the competition and equal legal status of the competitors.

Claims can be divided into different types: claims of recognition, claims for awarding, conversional claims, property claims, non-property claims and land management ones.

Judicial protection is a necessary and effective guarantee of the reality of human rights and freedoms. The protection of land rights in this form is carried out in the order of civil, economic and administrative proceedings.

Key words: land rights, protection of land rights, judicial protection, mechanism of protection of rights, claim.

Kharytonov S. About some signs of the objective side of military crimes

The article analyzes some features of the objective side of military crimes. Particular attention is paid to the way they are committed. Violation of the established order of carrying out military service is the basis of the mechanism of causing harm to the normal activities of the military organization of Ukraine.

Each of the entities that ensure the normal operation of the military organization, can itself become a subject of internal threats to this activity. Specificity of these threats is mainly determined by various offenses that dysfunction the activities of certain units of the military organization, and in certain cases it is a violation not within the military organization, but outside.

When it comes to cases of violation of the normal activity of a military organization from within by committing various offenses, including crimes, the internal mechanism of causing harm is schematically as follows:

1. a serviceman violates the duties assigned to him;
2. due to such illegal activities, the objects of criminal legal protection and public relations that ensure the normal activities of the military organization of Ukraine are harmed, which is manifested in the reduction of the level of military discipline, military-professional training, combat training, lack of personnel, combat equipment and armament, unsatisfactory organization of the carrying out of various military services and the like;
3. the legal structure of public relations of military service is deformed as a system, and the military organization, not achieving its goals, begins to dysfunction;
4. as a result, this leads to a decrease in the level of combat readiness of the military organization for the armed defense of Ukraine.

Violations of special rules of conduct are characterized by the failure of the person to meet the requirements that are imposed. The external manifestation of this behavior is in relation to the offender first of all to the normative prescriptions (norms, rules). The section of the XIX of the Criminal Code of Ukraine contains references to the following ways of committing a crime: (a) with the use of weapons; (b) the commission of violent acts; (c) committing other violence; (d) the use of violence; (e) violence or ill-treatment; (f) committing acts that have the character of bullying or mockery; (g) poor treatment or special cruelty; (h) arson or other generally dangerous method.

Key words: serviceman, military service, objective side, method.

Khryapinsky P., Svitlychny O. Circumstances refer to criminal responsibility for development of smokers: current state and prospects of improvement

The circumstances that increase the criminal liability for the deprivation of minors are the commission of perjury against a minor or committed by family members or close relatives, a person assigned responsibility for the upbringing of the victim or the care of the victim (Part 2 of Article 156 of the Criminal Code Code of Ukraine (hereinafter referred to as the CC) These circumstances are grounds for differentiation of criminal liability at the legislative level, because they reflect a significant increase in the typical degree of public danger of a crime.

The purpose of this article is to isolate and study the circumstances that increase the criminal liability for the abuse of minors, and thus form the qualified members of this crime.

The approach of the domestic legislator is substantiated by the circumstances, which increase the criminal liability for depravity actions by direct indication of the young age of the victim, the family or professional duties of certain subjects regarding the upbringing and care of the victim or caring about him. Similarly, other qualified structures of crimes against sexual freedom and sexual integrity of a person who can be committed solely by a special subject are constructed.

Determination of a minor in the context of a circumstance that increases the criminal responsibility for committing perjury acts is a logical and consistent step towards strengthening the criminal and legal protection of the sexual integrity of this particularly vulnerable circle of children. Young people should recognize the victims who have not reached the age of 14 at the time of the crime. Criminal responsibility for perpetrating acts against such a person occurs only if the guilty person was aware (knowingly or reasonably) that he was committing such actions against a minor or a minor, as well as when he should and could have realized it. In this case, the court must take into account not only the testimony of the defendant, but also the victim, carefully check their compliance with all the specific circumstances of the case. In resolving this issue, account is taken of the entire set of circumstances of the case, in particular, the external physical data of the victim, his behavior, acquaintance of the guilty person with her, possession of the guilty person with relevant information.

Young people under the age of twelve are the most vulnerable in the sexual sense. As noted, young people under the age of twelve, for the most part, have a complex helpless state, conditioned by physical and mental helplessness. On the one hand, the physical development of young people is characterized by undeveloped musculoskeletal and muscular structure. They, as a rule, can not exercise physical activity in an adult. On the other hand – young people are mentally underdeveloped, they lack the knowledge and life experience to correctly perceive the situation, find an adequate solution. Psychologists are unanimous in the fact that the self-esteem of these children is imperfect, they are trusting, naive, unshakable, straightforward, have extraordinary suggestibility, especially from the part of authoritative young adults. Consequently, minors under the age of twelve do not even have hypothetical chances to win a physical or mental confrontation with an adult. Also, note that in the case law on crimes against sexual integrity and the doctrine of criminal law, the minor age of the victim or victim is an unconditional indication of their helpless state.

The article explores the place and significance of the circumstances that enhance criminal responsibility for committing depraved acts against minors. The conclusion on introduction of new aggravating circumstances in part 2 of Art. 156 of the Criminal Code «the same actions committed repeatedly or by a person who previously committed any of the crimes provided for in articles 152-155 of this Code» and the creation of a new part 3 of Art. 156 of the Criminal Code «the same actions committed against a minor or a minor, under the age of twelve».

Key words: corruption, special subject of crime, dissipation, repetition, minor and minor age of the victim.

Yanovytska A. Legal nature of the contract of freight forwarding

The article deals with the legal nature of the contract of freight forwarding. The comparative analysis of this contract was made. In comparison with contract of order, the contract of freight forwarding deals with actual actions. The main characteristic of the contract of commission is made on internal relations, which determine the nature of the external. In addition to this, the comparative analysis of the contract of freight forwarding and carriage of goods and agency agreement, show an independent place of the contract of freight forwarding in the system of agreements on the provision of services.

Agency agreement relate to the provision of a wide range of intermediary services, when the contract of freight forwarding is limited to services related to the carriage or delivery of goods.

The analysis of the norms of the codes – The Civil Code of Ukraine and The Commercial Code of Ukraine, for the carriage of goods, we can conclude that the subject of the contract is a service for the movement of goods from the point of loading to the destination. While the subject of the contract of freight forwarding is the services related to transportation.

The comparative analysis, which were given in the article, makes it possible to determine the characteristic features of the contract of freight forwarding. The first one is that the contract is included in the system of service contracts, where the subject is a service related to the carriage or delivery of goods, and manifests itself in the juridical or actual actions. Second, the contract is bilateral: one party is the forwarder, and the contracting party under the contract is a client who has mutual rights and obligations. Other features: it concludes for a certain period, the corresponding services are provides «for a fee and at the expense of the other party (the client)».

As a conclusion, a number of common features of this contract and of the contracts of order, commission, carriage of goods and agency agreement, sometimes leads to practical difficulties in concluding a contract and in determining legal regulation, which, of course, is the basis for further research in this area.

Key words: cargo transportation, contract, service, freight forwarding, contract of freight forwarding, carriage of goods, agency agreement, contract of order.