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THEORY AND HISTORY OF STATE AND LAW; HISTORY OF POLITICAL AND LAW DOCTRINE

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LEGAL ASPECTS OF REHABILITATION OF POLITICAL REPRESSION VICTIMS OF SOVIET TIMES

Rehabilitation is the restoration of justice and historical truth with respect to persons subjected to unfair repression in the era of Soviet totalitarianism. We distinguish between the legal rehabilitation and socio-political or public rehabilitation.

After approval of the Law "On the Rehabilitation of Victims of Political Repressions in Ukraine" by the Verkhovna Rada of Ukraine on April 17, 1991, the process has acquired a legal nature. The law covered all the citizens who had been convicted on political, social, class, national or religious grounds. The Law significantly simplified the procedure of rehabilitation, provided for the payment of monetary compensation for the time spent in prison, granted allowances to pensions, benefits to pay for housing and communal services, provision of medicines and the like. The commissions on the restoration of rights of the rehabilitated were created at the regional councils. The practical application of the Law showed that this regulatory document did not take into account certain categories of citizens, victims of political repression.

Currently, the working group at the Main editorial board of the book series "Rehabilitated by the History" drafted the bill "On the Rehabilitation of Victims of Political Repressions in Soviet-era Ukraine", which defines the legal framework to complete the restoration of historical justice process, settlement of social relations associated with the restoration of social and economic, political or personal rights and freedoms of citizens, rights and interests of social, religious and national groups who have been victims of arbitrariness and lawlessness.

The existing legal framework for rehabilitation of victims of political repression is not perfect. It does not include certain categories of people and also limits the rights of citizens to monetary compensation for detention, forced treatment, deportation, and loss of property.

The basic Law dated April 17, 1991, objectively requires amendments and supplements, because it does not meet the needs of the time that complicates the work of regional commissions on rehabilitation.

The next step is the adoption of the new edition of the Law "On the Rehabilitation of Victims of Political Repressions in Soviet-era Ukraine" and other legislative acts in the field of protection of rights of the rehabilitated that will contribute to establishing the historical truth and social justice.

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FORMATION OF PSYCHOLOGY AS A SCIENCE AND ITS INFLUENCE ON SHAPING THE PROCEDURAL LAW: HISTORICAL AND LEGAL ASPECTS

This article relates to topical problems of modern justice on the psychological adaptation of the trial participants to the peculiarities of procedural form, which is hearing, because procedural form of judicial session, despite its democratic character, is based on the discipline of the procedural rules of law and those limitations and rules of court etiquette that is not characteristic of everyday life.

The author argues that despite the fact that law schools and faculties study today legal psychology and legal ethics, yet the data items are of general character, without detailing and explaining the psychological behaviour, actions of each of the trial participants, which is very important for practical work of not only judges but also prosecutors, lawyers, notaries, legal advisers, etc., because the trial is not only a legal process that is primarily a psychological process that occurs in every system of proceedings, the order of which is determined by procedural law.

In the development of forensic psychology, a significant contribution is made by some Ukrainian lawyers-philosophers whose thoughts are reduced to the fact that the legislature needs to know the human heart, and so it should make laws considering the psychology of the people, the penalty should be considered as a means of psychological coercion, and so on.

The author takes the view that forensic psychology is an independent science of knowledge concerning human behaviour at the trial. It is within this specific form where a consciousness of a person, will, emotions, temperament, attention, memory, and other mental phenomena are manifested. In addition, these psychological phenomena are invisible procedural and psychological substance, where procedural law regulates procedural and technical actions of all trial participants, and psychological support of these actions is made by trial participants independently with their unique individual psychological component.

In fact, this study is a prelude to the formation of a new modern science of forensic psychology.

CONSTITUTIONAL LAW, MUNICIPAL LAW

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IDENTIFICATION AND ADAPTATION OF BASIC SUBSTANTIVE CODES OF UKRAINE AND POLAND TO THE EUROPEAN UNION LAW

The article is devoted to the comparative analysis of basic substantive Codes of Ukraine and Poland and their adaptation to the EU law. Both Poland and Ukraine tend to the Roman-Germanic legal system that is characterized by a high degree of codification of law. The article describes the initial stages of the birth of the codification process, both in Ukraine and in Poland. Current legislation in both countries is characterized by a large number of legal acts, but the main type of ordering is the code. Today, in Poland almost all major areas of law are codified, but most of them need to be updated because they are 70-85 years old. In Ukraine, there are only three codes that act since the days of the Soviet Union.

The article analyses existing civil codes of these states and the duality of law in Poland. Principles of Ukrainian and Polish civil law are determined. The author carried out the analysis of modern criminal codes of these states and their features. Substantially, Criminal Codes of Ukraine and Poland are almost identical, except for the military part, which in fact is the Criminal Code of war crimes. Completing the review of the Criminal Code of Poland it should be stressed that some rules may be subject to implementation in the national legislation of our country.

Some codes were adopted in different historical periods and do not always take into account the peculiarities of the modern state of the country. In general, a modern codification process both in Poland and in Ukraine provides a creative reinterpretation of the whole array of legal acts in order to improve ease of use and regulatory requirements.

As a result of comparative research of the Civil and Criminal Codes of Ukraine and the Republic of Poland, we can conclude that they have much in common, comply with the requirements of modern legal techniques, have a clear structure, as well as a change in the context of the European legal standards. At the same time, it should be noted that these codes are more stable in Poland because they rarely amended. For Ukraine, Poland's experience is not only interesting but also relevant in view of the fact that the criminal and civil codes more adapted to the EU law.

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PROBLEMATIC ISSUES OF THE JUDICIAL POWER REFORM IN UKRAINE

The purpose of the article is to identify the main directions of improving the administration of justice in Ukraine taking into account the requirements of international standards for the protection of human rights and interests, including a major one – a fair trial. To reform the judiciary in Ukraine, in the period of accession to the European community, means to bring it in line with democratic standards existing in the EU. The question of the reform of the judicial system in Ukraine is possible only under conditions of implementation of the most important principles. They are the rule-of-law, the establishment of objective truth, and the presumption of innocence. The issue of a fair trial was discussed throughout the period of the judicial system existence. Today, there are many complaints about the poor quality of the work of the courts and the injustice of their decisions that led to the actualization of the issue of judicial system reform. However, before reforming the judicial system, according to the author, it is necessary to identify ways of improving the administration of justice in Ukraine on the basis of its main objective. This objective is the guaranteed judicial protection of rights and legitimate interests of individuals, rights and interests of legal entities, and the state's interests. Meanwhile, the rights, interests, and freedoms of a human being take the lead. Legal protection is a special form of a human being protection against any threat to personal liberty, including on the part of the state.

Hence, the judiciary should be independent and accessible to all who live in Ukraine and require legal protection. To achieve this objective, the appropriate conditions should be created and each and every person should be provided with the right to appeal to the court. At the same time, the inability to pay judicial services should not be an obstacle to applying to the court.

In order to achieve these objectives, one must first of all: find approaches to the understanding of justice during the trial; clarify the scientists' points of view on the possibility of applying this principle and ways to improve the administration of justice taking this principle into account.

The author believes that the courts should be formed through elections and take decisions in the name of the people of Ukraine, thus, Article 124 of the Constitution of Ukraine should be amended. In addition, a wider involvement of the public in the judicial process will ensure fairness in judicial decisions.

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HISTORICAL EXPERIENCE OF LOCAL GOVERNMENT IN THE CITIES OF UKRAINE AND MODERN PROBLEMS OF REFORM

One of the important conditions for the integration of Ukraine into the European community at the present stage of development is to respect the rights of local communities to local government and to ensure their real ability to solve local issues. This means that local authorities should be assigned these resources to ensure the full exercise of their powers. Problem-solving activities of the local government are based on legal documents. They are the Constitution of Ukraine, the Law of Ukraine "On Local Self-Government", "European Charter of Local Self-Government". However, in the context of the role and importance of human rights and freedoms, economic freedoms in particular, in the activities of local communities, it is advisable to turn to historical traditions and experience of organizational forms of the cities, known as Magdeburg Law.

After Ukraine gained its independence, all attempts to introduce new administrative-territorial division and new institutions of government were not too successful. Local government did not receive active development because municipalities, as before, only followed the state guidelines and did not have the sufficient political will or the budget for exercising their authority. Administrative-territorial division of the country was not different from that of the former Soviet. However, for such a short period of time since independence significant changes of legal, economic and social systems could hardly be expected.

The changes in the system of local government mostly arise from the interference caused by the lack of a clear definition and distinction of the central and local authorities, as well as working out of a development strategy of local government and local authorities that would become an economic basis for their functioning.

The current state of local government in Ukraine is characterized by a number of problems, particularly in the financial support of local communities. In Europe, local governments are actively investing in infrastructure and local economic development. Prospects of development of local self-government in Ukraine provide for the approximation of legislation to the European standards and actual decentralization of authority, including the public sector, in order to strengthen the financial basis of local self-government.

So, in Ukraine, the problem of administrative-territorial reorganization and local government is still important. The basis of the government reform should be laid with the principles of subsidiarity, the state distribution of public goods and the economic efficiency of the administrative-territorial division of the country, taking into account the cultural and historical traditions, the current geopolitical situation and trends of development of local self-government in Europe.

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PROBLEMS OF UKRAINE'S NATIONAL SECURITY STRATEGY DEVELOPMENT

As a part of the article, the author discusses the factors that led to the necessity of forming a conceptual approach to the national security of Ukraine at the present stage – the formation of Ukrainian statehood.

The author highlights the factors that contribute to the need for a change of a conceptual approach to our national security, outlines common issues of national security strategy, the need to reform certain public and law enforcement agencies, and the connection between these processes and national security.

Taking into account the historical events that have taken place in our country in recent years, logically there is an urgent need for a new approach that involves modernization of scientific methodology, strengthening the role of fundamental theoretical knowledge, expanding the range of scientific fields, the introduction of research in the field of modern strategies of national security and sustainable development of the country that are interrelated processes.

The situation in the country shows the urgent need to improve the efficiency of the system of national security and defence of Ukraine. This situation gave rise to a radical change in national strategy on national security. The process of its formation coincided not only with the need to eliminate the world's global environmental, economic, technological and other sources of instability but also the sources of danger imposed by the Russian aggression.

So, the author offered amendments to the Law of Ukraine "On the National Security and Defence Council of Ukraine" in terms of introducing the tool "organization of research in matters within the competence of the National Security and Defence Council of Ukraine" that would allow scientists to bring reforms in the country. It is the reasonable and integrated approach of the scientists that would allow the country's leadership carry out real reforms more successfully, transform into the rule of law, overcome the remnants of the Soviet economic model and law enforcement without a loss to the national security of Ukraine.

These problems should soon become the subjects of dissertations, monographs that will disclose real and potential opportunities of different branches of the government in solving significant challenges to ensure our national security.

CIVIL LAW AND CIVIL PROCEDURE; FAMILY LAW; PRIVATE INTERNATIONAL LAW

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ON THE ORDER OF INTERACTION OF ARBITRATION WITH THE SYSTEM OF GENERAL COURTS OF UKRAINE

The article analyses the current state of the domestic arbitration legislation regarding the regulation of arbitration interaction with the system of general courts of Ukraine. The author reviews scientific publications on particular aspects of the problem of judicial control of arbitration. An attention is drawn to the peculiarities of the control function and the difference between its implementation and appeal and cassation court decisions.

Besides, based on given analysis, we arrive at the conclusions of unjustified restriction of the competence of arbitration courts in Ukraine which is associated with legislative measures aimed at eliminating abuses in the arbitration proceedings.

In this regard, we propose amendments to the Law of Ukraine "On Arbitration Courts" that are aimed at eliminating these constraints by improving the mechanism for judicial review of the legality of arbitration decisions. In particular, proposals are made for the state courts authority to cancel the decisions of the arbitration courts in cases of violation by this decision of the statutory order of transfer of immovable property ownership rights, misuse of establishing control over a legal person, and introducing a mechanism of recognition of an arbitration decision in cases where its implementation would require actions by state or local governments.

We also consider the problem of "dual control" over the decisions of arbitration courts. In this connection, it is proposed to provide the rights of the person concerned to appeal for issuance of an executive document, in case of a failure by a competent court for an application of cancellation of the arbitration decision, as well as the inability to appeal the arbitration decision, against which the competent court issued the executive document.

The author believes that making appropriate changes will help create a balanced mechanism for control on the part of the state judicial system and will increase the effectiveness of the protection of rights and legal interests by arbitration courts. This, in turn, will create conditions for increasing public confidence in the arbitration and expanding its scope of application.

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THE ROLE OF CIVIL PROCEDURE ADJUSTMENT MECHANISM IN PROVIDING EFFECTIVENESS OF CIVIL PROCEEDING

The article studies the mechanism of influence of the law on regulated social relations that encourage the disclosure of the course of realization of the principles of civil procedure and rules of civil procedure law in the judicial process of participants of civil process.

The author argues that "mechanism of legal regulation" and "mechanism of civil procedure regulation" are different concepts that should be studied based on their understanding, both general and specific. The mechanism of civil procedure regulation mechanism is an integral part of general government regulation, which comes into effect in the event of obstacles to the regulation. However, studies of the mechanism of regulation of civil procedure only in the plane of its role as a constituent element of the mechanism of general government regulation are one-sided.

In addition, the mechanism of regulation of civil procedure has the following specific criteria: having its own method of legal regulation; regulates relations arising from family, labour, civil, land and other relationships; is systemic; aimed at a fair, impartial and timely consideration and resolution of civil cases; has a dual nature, which is a combination of unity and differentiation of its components.

The author determines that the role of civil procedural regulation mechanism in achieving efficiency of justice in civil cases lies in the fact that it is the proper legal regulation of procedural participants of civil process that makes is possible to achieve a high level of protection of rights, freedoms, and interests of individuals.

LABOUR LAW; SOCIAL SECURITY LAW

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RELATIONSHIP BETWEEN GENERAL AND SPECIAL REGULATORY SUPPORT OF LABOUR RELATIONS

The current stage of creation of the legal state in Ukraine requires the improvement of the legal mechanism of social relations regulation. The most important and most common of these relations are relations in the field of social work that directly or indirectly affect the interests of every citizen of our country. However, in the sphere of legal regulation of labour, today there are some problems that do not allow realizing in full secured by the Constitution of Ukraine rights, freedoms and legal interests of citizens, creating all the necessary conditions for the creative use of the employee's abilities and personal potential. These problems are caused by numerous contradictions and gaps in the labour legislation of Ukraine; by expansion of local regulation of labour relations that not only enhances the consideration of the interests of parties to the employment agreement, but also creates the danger of distortions (arbitrary interpretation) of labour laws and the deterioration of a worker's legal status. Modern law enforcement practice shows that there are cases of insufficient consideration of sex, age and physiological characteristics of workers, their level of training, inadequate conditions of their labour, territorial location of enterprises, institutions and organizations in solving the most important issues – the conclusion and termination of employment contract (agreement), establishment of wages and work and rest periods of workers, etc. Eliminating unjustified differences in regulation of labour, aligning the legal status of certain categories of workers without reducing legal safeguards is a prerequisite for the implementation of constitutional rights, freedoms, and interests of citizens. This requires a clear definition and further consolidation of the regulatory features in the content and scope of the rights and obligations of labour relations subjects on certain grounds.

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PROSPECTS FOR LABOUR COURTS IN UKRAINE

The main conclusions of this study are as follows:

1. Labour disputes over rights must be considered by the courts of general jurisdiction on the basis of specialization set out in the Civil Procedure Code of Ukraine and in the special law on the procedure for settling labour disputes.

2. The following cases of individual complaint should only be considered in the courts: reinstatement regardless of the grounds for termination of labour relations, changes in the wording of the reasons and the date of dismissal, wage recovery for the period of forced absenteeism caused by the illegal dismissal of workers; unpaid salaries and other payments owed to the worker; when employment is refused; invalidation of a protest; nullification of a decision of the labour arbitration in cases specified by law.

3. According to the parties of the labour dispute and in other cases stipulated by the Civil Procedural Code of Ukraine, the labour dispute must be considered collectively including professional judges and lay judges, which are submitted by the parties in proportion to the employees and employers and have experience in social and labour issues.

4. At the preliminary hearing, a pre-trial conciliation procedure with the mandatory involvement of labour mediator can be set. The mediator of the labour dispute may be appointed by the court from the relevant register of the National Mediation and Conciliation Service.

5. The court may overrule the decisions of labour arbitration in exceptional cases stipulated by the Civil Procedural Code of Ukraine.

6. The court's decision on a labour dispute over the rights provides for its immediate execution.

Taking into account these and other positions that have already been published and have being discussed for some years by the parties to the social dialogue will bring justice to the level of real protection of the rights and freedoms of the parties of labour relations in Ukraine.

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THE HISTORY OF FORMATION AND DEVELOPMENT OF SOCIAL SUPPORT AND WARRANTIES OF THE NATIONAL POLICE OFFICERS

The history of formation and development of the social support and warranties of internal affairs officers (now police) is closely linked to the history of the creation of the Militia.

The analysis of legal instruments of the Soviet period allows us to offer the following classification of the regulatory framework of the militia/national police activities:

The first period – 1917-1930 – creation and development of the State Institute of Civil Service, including the Soviet militia. The legal status of a civil servant was determined under the provisions of the Labour Code of the RSFSR in 1918 and the Labour Code of the Ukrainian SSR in 1922. Besides, during this period there was no standard-setting legislation that would regulate the complex issues of public service

The second period – 1931-1990 – is characterized by the adoption of specific legislation in the Ukrainian SSR designed to regulate the activities of the militia at the level of social security and social protection.

The third period – 1990-ongoing – the development of the institution of social protection of the militia / National Police in the independent Ukraine.

The civil society most closely associates the current update of the domestic law enforcement system as an effective guarantee of protection of constitutional rights and freedoms with the entry into force of the Law of Ukraine "On National Police" dated July 2, 2015.

The history of formation and development of the social support and warranties of internal affairs officers is closely linked to the history of the creation of the national police. At the same time, the formation of the bodies of internal affairs was conditioned by "strain" and excessive ideological dominance and declarative approach.

In the context of the law enforcement agencies reform under a new law "On National Police of Ukraine," some historical mistakes about the insufficient attention of the state to the social status of the national police force should be considered that will make the service efficient and effective.

LAND LAW; AGRICULTURAL LAW; ENVIRONMENTAL LAW; NATURAL RESOURCES LAW

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CURRENT PROCEDURE OF LAND REGISTRATION AS AN ELEMENT OF LAND TITLING

The article provides a description of the system of state land registration and land titling that stresses the procedure of state land registration as the initial element towards the realization of the legally enshrined rights.

The author analysed the procedure of land registration that was significantly altered more than three years ago that first of all has manifested through the obligation to record the information about the registration in two separate registers on the way to the implementation of land titling. The first of these registers fixes the fact of land registration, while the other registers the right to land. Thus, the attention is focused on the fact that an important procedure of land registration, requiring the generation of a cadastral number or having no number at all, is carried out by the State Land Cadastre and by recording in the State Land Cadastre stipulated by law information about the formation of land and generation of its cadastral number by opening the land Register on such land plot. Investigation of the current state of the issue of land registration makes it possible to assert the need for dual-layer registration areas where registration of "newly created" land occupies a separate lead.

The relevance and importance of effective and transparent procedure of the registration process as far as land titling is concerned with the implementation of land and civil relations are also brought to a focus. Practical aspects of the need for land registration are formed.

Particular attention is paid to the implementation of the pilot project for the online land registration that has been operating since the fall of 2016 in two oblasts of the country, but starting with the next year should work throughout Ukraine. The abovementioned remote land registration aims to create favourable conditions for those wishing to register land and resolve various subjective factors during registration, including the negative aspects of the currently existing procedure of registration of the property. On the basis of studies of relevant to the citizens of Ukraine issue of the current procedure of land registration, the author described proposals to minimize the problematic components of registering "newly formed" land that will create an effective mechanism for the successful implementation of the procedure of acquisition by land the status of self-generated property in the transition to a new phase of land reforms in our country.

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INTERNAL ENVIRONMENTAL CONTROL IN EXTRACTIVE INDUSTRIES

The article deals with the need to implement internal environmental monitoring in order to facilitate the formation of environmental policy and management system of environmental protection in accordance with ISO 14000 standards at each company of extractive industry.

To carry out the process of self-control it is necessary to introduce samples (rules, standard) on the basis of which the company estimates the degree and the correct execution of the task. Examples are the ISO 14000 standards that are the most important international environmental initiative allowing creating a modern environmental policy of an industrial enterprise. Implementation of the ISO 14000 series of standards at an enterprise of the mining sector will be an effective tool, with which it can manage the totality of their effects on the environment and bring their activities in compliance with the various requirements.

The internal environmental control system allows the extracting industry enterprises consistently solve environmental problems by the allocation of resources, determination of responsibilities and regular evaluation of technical rules, methods, and processes.

Implementation of the internal environmental control system is an essential condition for ensuring the company's ability to determine its environmental goals and achieve them, as well as to ensure continued environmental compliance with activities, products, national and international requirements. Development and implementation of the internal environmental control system is a continuous and interactive process.

Changing the current practice of industrial environmental activities has a positive impact on the reduction of anthropogenic and technogenic load on the environment, including the subsoil.

The author proposed to introduce a mechanism to stimulate entrepreneurial structures to implement environmental programs and projects by amending the Law of Ukraine "On Environmental Audit" as far as the introduction of a certificate of conformity to UIS ISO 14000 requirements the for companies that supply products for state needs with the purpose to enhance the manufacturer's participation in environmental issues.

ADMINISTRATIVE LAW AND PROCEDURE; FINANCIAL LAW; INFORMATION TECHNOLOGY LAW

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REFORMING THE LEGAL INSTRUMENT OF REIMBURSEMENT OF VALUE-ADDED TAX IN UKRAINE

The article outlines the directions of reforming legal instrument of reimbursement of VAT in Ukraine by analysing changes in the tax laws specified in the Law of Ukraine "On Amendments to the Tax Code of Ukraine and Some Other Legislative Acts of Ukraine Regarding the Balance of Revenue in 2016", and grounds the necessity of such changes.

The results of the study made the following findings. A complex legal procedure to check the legality of the claimed VAT reimbursement in the course of which the supervisory authorities have to investigate the documentary, cash and trade flows of taxpayer have been the reason for untimely VAT budget reimbursement for many years. Therefore, the introduction of the automatic VAT refund is a positive trend, as it stimulates the business representatives to socially responsible behaviour, allows obtaining an economic benefit without unnecessary litigation. However, this legal instrument of VAT refund requires improvement. It is essential that the advantage of it can be taken not only by large enterprises but also by the representatives of small and medium businesses. To do so, we offer to determine the integrity of a taxpayer as the main criterion for automatic reimbursement. In addition, we consider it more expeditious and economical to have a single public register for VAT refunds, rather than two as provided for in the Code. The existence of a single register will simplify VAT administration and will make its reimbursement clear, will reduce corruption challenges in this segment.

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ESSENCE AND FEATURES OF INTERACTION OF THE PENSION FUND OF UKRAINE WITH MASS MEDIA

Full development of Ukraine as a modern democratic and legal state is impossible without establishing safe and effective partnerships between the authorities and the public. The question of the interaction of the state authorities with the public in the field of formation and implementation of social policy is of particular importance. Social policy is a set of activities that covers various areas of the social sphere of society and is carried out by state and public organizations in order to improve the welfare and social protection of different groups of the population.

Cooperating with the media, the authorities of the Pension Fund of Ukraine thus implement in their work the principles of publicity, transparency, and openness. Interaction with the media is a powerful tool that, on the one hand, allows the Pension Board of Ukraine to influence the minds of citizens and to shape certain aspects of their world outlook, on the other makes it available for the public to have an additional possibility to monitor the legality and efficiency of the authorities of the Pension Fund of Ukraine. In addition, through cooperation with the media, the Pension Fund of Ukraine not only transmits certain information on its activities to participants of social relations but also is able to monitor the content of mass communication on the scope of its (PFU) reference.

Despite the fact that the legislation is more or less clearly regulates the media coverage of the authorities, including the PFU, we think it would be appropriate to develop and adopt a special ministerial normative act that would more fully regulate the shape and direction of interaction between the PFU and the media, and determine their rights and obligations. As an example, it may be a "Memorandum of Cooperation between the Ministry of Income and Fees of Ukraine and the National Union of Journalists of Ukraine".

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INFORMATION AND LEGAL STATUS OF EXECUTIVE BODIES OF UKRAINE AS A COLLECTIVE LEGAL ENTITY OF INFORMATION LAW

The article is devoted to the coverage of one of the urgent problems of information law in analysing doctrinal approaches to the definition of "executive body," "information and legal status" and clarifying the nature, characteristics, and structure of information and legal status of executive power of Ukraine. An attention is paid to the fact that the information society develops the informational function of executive bodies and transforms it into an independent feature that interacts with managerial and public service functions of these bodies. It is emphasized that the functions of the state and its bodies are not "frozen phenomena": they may change, new functions may appear. Thus, the emergence of a new independent information function may require not only adjusting the existing bodies (executive bodies, in particular) but also the formation of new bodies in the system of executive power of Ukraine.

It is proved that the implementation of information function determines the existence of information and legal status of these bodies. Basing on the special role of the competency unit in the structure of the legal status, the theories of competence are investigated and it is found that this unit differentiates the legal status of public law entities (including executive bodies) from the legal status of private law entities.

The author analysed existing scientific points of view on the concept "competence" and its structures. The relationship between the concepts of "competence" and "sphere of competence" is found, as well as interpretation of the concept of "information competence". It should be noted that in the course of a body's activity its sphere of competence may vary, either expand or contract. However, requirements concerning the subject of jurisdiction are not a sufficient basis for the administration of authority by an executive body. To do so, they need specific enabling regulations arising out of competence. The author suggested a narrow interpretation of information competence. It is a system of information and legal authority of the executive bodies.

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LEGAL FRAMEWORK OF THE INFORMATION SOCIETY DEVELOPMENT IN UKRAINE

The author investigates the influence of national information law principles and international legal standards on the creation and development of rules-standards that are the benchmarks for the formation of information legislation of Ukraine in the framework of the information society.

The article substantiates the importance of the systemic form of information law principles organization, the impact of this system and international legal standards on the formation of rules-standards of information legislation of Ukraine, which have become major benchmarks of effective legislation to ensure the development of the information society of Ukraine in the context of globalization.

The basic internationally recognized principles of the law on freedom of expression and information are analysed as set out in documents prepared under the auspices of an international organization "Article 19 of the Universal Campaign for free expression".

These principles considered in the article can become the basis of National Institute of Information Law development – the rights of the media and can be included into the Draft Information Code of Ukraine. At the same time, this step should be preceded by a thorough analysis of the feasibility of the regulatory consolidation of these principles in the information law in Ukraine that can be implemented, for example, by including appropriate provisions in the Annual Plan of adaptation of the national legislation to the EU legislation, as well as carrying out related scientific research. By the way, this conclusion is not only fully consistent with the provisions of the Law of Ukraine "On Main Principles of Development of Information Society in Ukraine for 2007–2015" but also develops some areas of legislative support of the information society development.

Legal ways and means of implementation of international legal principles to information legislation in Ukraine require further studies, taking into account the objective necessity to adapt national legislation to international legal standards in terms of the development of the global information society.

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SUBJECT COMPOSITION OF LEGAL RELATIONS OF BANKS INSOLVENCY

Legal relationships of banks insolvency – are relationships governed by the norms of law between the National Bank of Ukraine, the Physical Subjects' Deposit Guarantee Fund and insolvent bank concerning the implementation and termination of temporary administration, that is the withdrawal of an insolvent bank from the market using legal means within the procedure of temporary administration or its liquidation as a result of recognizing it insolvent.

The subjects of legal relationships of banks insolvency are individualized or specific law subjects of insolvency that act as a corresponding legal personality in legal relationships and a power "implementator". Despite the existence of common features and relationship between the subject of insolvency law and the subject of bank insolvency legal relations, they cannot be deemed as equivalent.

The subjects of legal relationships of temporary administration of banks are the National Bank of Ukraine, the Physical Subjects' Deposit Guarantee Fund, the State Commission on Regulation of Financial Services, the National Commission on Securities and Stock Market, banks, depositors and other bank creditors, investors and others. In legal relationships of banks insolvency, a depositor as the subject of these relationships can be only a natural person (including natural person-entrepreneur), who entered into a deposit contract, banking account contract or possesses registered deposit certificate. Juridical or legal persons with documentary confirmed claims to the bank concerning its property liability acquire the status of creditors of the insolvent bank. The investor as the subject of these legal relationships can be the person who expressed an intention and provided the Physical Subjects' Deposit Guarantee Fund with written commitment to purchase the shares of the insolvent bank or transition bank in the process of the insolvent banks' withdrawal from the market.

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INFORMATION AND BANKING LEGAL RELATIONS IN TODAY'S UKRAINE: SELECTED ISSUES

The article analyses the current state of the legal regulation of information relations in banking. An attention is paid to the problems arising in the course of legal regulation of information and banking relationships. Conducted systematic analysis of the current legislation led to the conclusion that it is necessary to expand the list of information constituting bank secrecy. The definition of banking information in a broad sense is suggested. Banking information is any information directly or indirectly related to the bank, the banking activity, and the banking system and that are necessary to make a decision by the bank or the customer. In a narrow sense, banking information can be treated as information about the bank and its activities. The attention is paid to the fact that the issues of protection of information rights of the subjects of information and banking legal relations require more detailed regulation, primarily in respect of bank secrecy. Moreover, the way to protect the information rights of the subjects of banking legal relations banking relationships is important. Emphasized that it is necessary to improve the legal regulation of information relations in the banking sector in two directions: tactical and strategic. The solution of a strategic task provides the development of modern information ideology, the formation of modern information policy in the banking sector taking into account not only national but also the global economy. The solution of a tactical task provides the amendment of the information and banking legislation. Namely, the Law of Ukraine "On Banks and Banking Activity" should be supplemented by a separate chapter "Banking Information". This chapter should provide a definition of the concept of banking information; determine certain types of banking information; outline the range of subjects and their legal status; present principles of information activities in the banking sector; determine the procedure for the provision, use and conservation of banking information; establish special information regimes; provide the protection of banking information and responsibility for the violation of the law.

CRIMINAL PROCEDURE AND CRIMINALISTICS; FORENSIC EXAMINATION; OPERATIONAL SEARCH ACTIVITY

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PSYCHIATRIC EXAMINATION AND THE CONCEPT OF ADEQUACY IN CRIMINAL PROCEEDINGS

The article deals with the problems of sanity and proving mens rea of the offence of the perpetrator. The author's attention is concentrated on the grounds and purpose of the forensic psychiatric examination, the subjects who make a decision to conduct the examination, as well as the main problems that arise in connection with these matters. Among these issues, it is mentioned that there is no clear indication that requires the examination of the psyche state: the suspect, the accused or the defendant. Also, there is no clear instruction about who should make procedural decisions on the appointment of forensic psychiatric examination: the investigator, the investigating judge, the prosecutor or the court. The article contains the analysis of the content of guilt as an objective category, its components, and how these categories can be reflected in the conclusion of a court expert psychiatrist. The author examines the evidence on the basis of expert opinion, parallels between the content of guilt and sanity of the person. The article also analyses the concept of adequacy, and if the investigator or the court questions the adequacy it will lead to the appointment and carrying out the forensic psychiatric examination to decide on a person's sanity. The authors also suggested its own definition of adequacy as a criminal legal category for a better understanding of its essence. In his opinion, adequacy is a kind of behaviour that conforms to the rules of socialization, does not question person's mental health, as well as is accompanied by the normal functioning of perception, emotions, mind, will, intellect, memory, etc. The article also discusses the main current problems during the pre-trial investigation and the trial associated with the uncertainty of the procedural steps of the psychiatric examination appointment, the uncertain range of offences, on suspicion or accusation of which the forensic psychiatric examination must necessarily be appointed. Among the proposals to improve criminal law legislation and to solve existing problems arising in the course of investigation and proving the guilt or innocence, to resolve the problems of justice and to form certain algorithms of action, there are amendments to the Criminal Procedural Code that would clearly define the mechanism and forensic psychiatric examination at a certain stage of pre-trial investigation in relation to well-defined categories of serious crimes, which are the offences against a person’s life and health, offences against the dignity and integrity, and offences against sexual inviolability.

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