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Ukraine, 69600,
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Zhukovsky Street, 66

Telephone
for inquiries:
(061) 289-12-98

Fax: (061) 289-12-98

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CONTENTS

SECTION I. TOPICAL ISSUES OF THEORY AND HYSTORY OF STATE AND LAW

SECTION II. CONSTITUTIONAL AND MUNICIPAL LAW

SECTION III. CIVIL LAW AND CIVIL PROCEDUR; FEMILY LAW

SECTION IV. ADNINISTRATIVE AND FINANCIAL LAW

SECTION I. TOPICAL ISSUES OF THEORY AND HYSTORY

METHOD OF PERIODIZATION IN THE METHODOLOGYS TOOL OF THE HISTORY OF STATE AND LAW

Bostan L.M.,

Candidate of Historical Sciences, Associate Professor

Zaporizhzhya national university

In this article there is grounded the meaning of the periodization method in the process of cognition of state legal phenomena. On the basis of synthesis of the basic regulations of formational, civilizational and world-systematic approaches the author suggests his conceptual understanding of periodization of state legal process.

Contemporary law education is not designed to form narrow national philosophy, but new global legal mindset, which enhances the role of basic general law disciplines, including the international History of state and law. It aims to provide a scientific basis, methodological framework and professional tool to create legal philosophy of future lawyers. Therefore, the search for effective cognitive tools that contemporary science carries out, and formation of an "updated" History of state and law methodology appear completely justified.

The method of periodization plays an important role in the method system of historical cognition of state and law phenomena. Its effectiveness mostly depends on the methodological tools, selected by a researcher for reflecting of the development stages of the historical process.

CHICANE AS A SPECIAL KIND OF ABUSE OF THE RIGHT

Ljashenko R.D.,
Candidate of Law Sciences, Associate Professor

Balkovska K.I.,
Student
Zhytomyr National Agroecological University

Existence of the phenomenon of the use by subject given to him rights by harm to the person, to society, state as a result of modern tendencies to increase the number of the equitable rights recognized by individual and expansion of maintenance of certain competences, acquires more greater practical expression. Such form the abuse of right is designated by the term of Chicane.

It is worthy of note that chicane was fixed in the legislation of foreign countries. However, in the legislation of Ukraine the term of chicane is not fixed, this is a substantial defect in it.

The basic features of chicane are: harm to other person; direct intention; unlawfulness; the object of infringement are property and personal unproperty rights and interests of subjects; presence of harm; guilt.

It is worthy of note that chicane can possesses both material and judicial character.

Chicane as a category of material right used in exploitation rights for restriction of competition, abuse of dominant position at the market, distribution of unreliable information for injure.

Chicane as the special type the abuse of judicial rights is the kind of offence that determines impermissible exercise of judicial right as such, that does the consideration of case in a court amiss, unfair and causes the offensive of harmful consequences for other side, in particular inconveniences of property and moral character.

The problems of proofing of chicane in judicial practice are a overspecified process. In fact, it is known that for establishment in the actions of person of chicane, it is necessary to set the fact of presence realization of the equitable right a person for injure other.

We came to the conclusion, that chicane is the special type of abuse of right that exercised with direct intention and with single purpose – inflict harm to other person.

HISTORI-LEGAL RECEPTION ANCIENT SHIPBUILDING IN MODERN CONDITIONS

Khachaturov E.B.,

Candidate of Technical Sciences, Senior Research Scholar

National university of shipbuilding name of Makarov

The article investigates the emergence of navigation and shipbuilding history of the origin of its development and modernity, analyzed types of vessels from simple to sophisticated modern on time parameters, as well as the appearance of the first customs relations their current status and trends.

On the first stages of navigation it was too early to talk about looking for the materials and components for shipbuilding in other countries. Firstly, it was necessary to have only wood and linen ropes which were enough in coastal areas. Secondly, at that time there weren't state borders yet and it wasn't necessary to formalize the delivery of goods to the site of ships construction. At that time there weren't any obstacles for shipping, besides the weather. But even then, the future shipbuilders paid more attention to one wood and linen ropes and less to others, distinguishing them according to quality. It didn't influence the cost of the built vessels, although they were brought from different parts of the continent, but they weren't levied with any customs duties.

Eventually metal nails, anchors and other components became necessary. Since then, discussing the conditions of production, purchase, transportation from one region to another has started. The territorial communities of different countries had to agree to pay tributes – one of the first names of modern customs fees and charges. Even then some attempts to formalize transportation were made, but neither customs regime nor customs formalities existed. At the same time a tribute thoroughly entrenched in the commodity-exchange relations between countries.

Later, due to scientific-technical development, when ships became complex technical constructions, which had a metal hull, and internal combustion engines instead of sails, the first border crossing points located at the crossroads of major trade routes appeared. The amount of fees and payments already depended on the range and amount of goods crossing the border. At the same time, the first written documents reflecting the range and the amount of goods and the size of payment of fees appeared. Especially it was used when exporting shipbuilding goods outside the countries where the components were manufactured.

Currently, state customs authorities confidently protect the domestic market from foreign producers' expansion, regulate the foreign economic activities of domestic producers. Customs fees and charges have regulatory effect on the development of shipbuilding, because modern Ukrainian shipbuilding's competitiveness depends largely on the cost of accessories, components, machinery, tools and equipment, imported from abroad, levied with taxes, duties, customs fees and composed one third of the cost of a constructed vessel. Therefore the intention of the Government, at the request of shipbuilders, to simplify the customs formalities and unify them with international regulations and thus help the domestic shipbuilding develop is extremely important.

BASIC DIRECTIONS SYSTEMATIZATION OF RESULTS OF NORMY OF CREATIVE ACTIVITY OF PUBLIC AUTHORITIES

Kurus' T.V.,

Postgraduate Student

Zaporizhzhya national university

The article is devoted to systematization of the results of normative work of the state authorities. Priority directions of systematization of the results of normative work is a consolidation and codification. The role of incorporation. Analyzed different approaches of the scientists on the problematic aspects of systematization of normative-legal acts. The author focuses on the disclosure of questions of systematization of the results of normative work of the state authorities. Disclosed contribution to the progressive development of law the United Nations and its main subsidiary bodies and specialized agencies. Among scientific works on problems of systematization of normative-legal acts insufficient attention is paid to the legal nature of consolidation as a form of systematization of normative-legal acts. Codification, as a priority sistematizaciyn results of normative work, not well researched in the legal literature.

The state has the right to create for the good of man. The state exists for man, to protect her rights and freedoms. Normative action is a form of activity of competent subjects of the norm-setting with the preparation, development, adoption and official publication of the law.

According to the draft law "On normative legal acts" the system of normative legal acts is an interconnected set of legal acts, hierarchically structured against acts of higher legal force in the acts of lower legal force and interconnected between acts of equal legal force. And systematization of normative legal acts is the streamlining of normative legal acts by their construction into certain internal system entitled subjects of the norm-setting, carried out in the form of incorporation, consolidation and codification. Normative legal acts are classified in accordance with the Classifier of legal acts of Ukraine, which is maintained by the Ministry of justice of Ukraine. The research process of formation and development of normative activities of state authorities and local self-government actualizes a wide range of historical and methodological problems associated with the knowledge of the General regularities and patterns of development of scientific knowledge, among which the problem of systematization of the results of normative work. Ukrainian legislation is formed in a complex transformation of the economic, social and political spheres of life of the country.

The intensity of development of the legislative process driven by the needs of reforming our society, its transition to a market economy and the development of the legal state. To ensure this process in Ukraine has accumulated a huge variety of legal normative acts. Since independence, there has been a steady trend to accelerate the increase in the number of legal acts adopted within the legislative and Executive power. Thus, Ukrainian legislation at this stage is a complex diversified education, in which are intertwined vertical and horizontal links, there are legislative bodies of different levels, including regulatory legacy of the Soviet period, and there has been a steady trend towards unification. For simplicity and efficiency of the normative orientation in the material it should always lead to a particular system, since Ukraine new regulations were adopted, change existing ones, are obsolete, there is an intensive law-making process. According to the survey results,we can conclude that the priorities of the results of normative work is a consolidation and codification, because in particular, incorporation is carried out quite effectively. Given the above, the theoretical and practical significance of the study is that of developed proposals can be used to enhance the effectiveness of law-making activities of the state authorities. This direction of research is promising, given a sufficiently large number of problems and gaps in the area of systematization of the results of normative work of the state authorities in Ukraine.

THEORETICAL AND LEGAL BASIS FOR THE FORMATION OF THE PRINCIPLES OF CRIMINAL JUSTICE IN THE CONSTITUTIONAL PROCESS OF UKRAINE

Chernoochenko D.I.,

Postgraduate Student

Zaporizhzhya national university

The article considers the constitutional process of formation and consolidation of the basic principles of criminal justice in the Constitution of Ukraine.
During the implementation of judicial and legal reform process the state government got to close quarters with a number of issues related to careful analysis of the historical aspects of the constitutional and legal principles of organization and functioning of the judiciary in Ukraine, definition of justice basic principles. With the modernization of the criminal procedural law there is a need to analyze the process of formation and consolidation of the basic principles of criminal justice, as it currently defines the objectives, principles and procedure for its implementation.

The Constitutional Commission, having defined the list of justice principles, predicted that each branch of procedural law would use the appropriate set of general legal, inter-sectoral and sectoral guidelines. Regarding the selection of their optimal ratio there are debates among experts going on to this day. The system of principles that operate in criminal proceedings, in addition to general legal and inter-sectoral ones, included such areas as publicity, providing the right to defence to the accused, personal integrity of the persons involved in the process. They are in a relationship, harmonious unity.

The author of the article distinguishes the mechanism of formation and realization of fundamental principles of justice, or as practicing lawyers also call them – objectives, normalized with sectoral criminal procedural law. After the time when our country had got independence, certain principles lost their meaning, others took on some new meaning, new principles emerged - based on modern legal ideas which should be reflected in the Constitutional Law of Ukraine. We consider the following principles of criminal justice: lawfulness, national language of justice, presumption of innocence, principle of transparency, objective truth, judicial independence and subjugation only to law, directness, oral nature of judicial proceedings, competition, publicity (formality), inviolability.

Thus, during the drafting of the Constitution, the Commission worked out the regulations which became the theoretical basis for securing a broad and democratic palette of criminal justice principles. They became the property of Ukrainian legal system.

SECTION II. CONSTITUTIONAL AND MUNICIPAL LAW

LEGAL FACTS IN MUNICIPAL LAW: PROBLEMS OF DEFINITION AND CHARACTERIZATION OF THE ESSENTIAL FEATURES

Brovchenko N.V.,

Candidate of Law Sciences

Zaporizhzhya national university

In the article investigates the problem of allocation of essential features and determines the facts of the legal definition in municipal law on the analysis of existing legislation and by summarizing existing research and theoretical perspectives of scientists in the general theory of law and other areas of law.

Municipal law is one of the newest areas of law that is under research and theoretical formulation and recently acquires with high-quality development and a renewed understanding of the nature and content. Consolidation on normative level the actual circumstances of models and phenomena of social life, which with the advent of reality are legal facts and transform abstract rules to specific municipal relationship is one priority massive of social modernization and optimization of local government.

Over the past decade in Ukraine due to dramatic changes in the socio-political system, because of the change in the centralized management in most areas of public life came to market economy, recognition of diversity ownership, political pluralism, internationalization of social life and other democratic reforms in all spheres of social relations – social, economic, political, spiritual, cultural and so on. The relevance of the study of legal facts in municipal law is been enhanced by the fact that in today's state, as the economic, political and social changes that are specific to countries in the process of reform and the need to provide a scientific basis to design regulation according to actual needs.

During the development of municipal law relationships we can say that they are very dynamic and mobile, reflecting the changes taking place in the politico-legal society, they arise constantly changing or terminated due to various reasons, the facts in the life of the community or individual members. However, for these facts to become legal significance that they have to cause the movement of municipal law relationships, it is necessary on spread these actions legal norms.

PERFECTION OF CONSTITUTIONAL-LEGAL ADJUSTING OF INFLUENCE OF PUBLIC ON ACCEPTANCE OF NORMATIVE-LEGAL ACTS IN UKRAINE

Nesterovich V.F.,

Candidate of Law Sciences, Associate Professor

Lugansk state university of internal affairs the name of E.O. Didorenko

This article deals with the problems of improving the constitutional and legal regulation of public influence on the adoption of legislation in Ukraine. Ascertained that the current model of interaction between the public authorities and the public must provide for the rights and interests of different social groups and implement effective public policy, taking into account the need to balance the interests of national, group and individual levels.

Strengthening the role of civil society in making regulations can be explained by two factors. First, the currently most leading democracies in the world has the practical implementation of the concept of «good governance», including through the development of public policy in the area of «participatory democracy». It is a defining attribute of the necessary conditions for the public to influence the adoption of regulations by the principles of openness, participation, accountability, effectiveness and coherence of lawmaking. Secondly, the need for citizen participation in decision-making, to some extent, public response to the crisis of traditional institutions of representative democracy in Europe and the need to strengthen the legitimacy and effectiveness in the development of legislative decisions.

Public influence on the adoption of regulations is only possible adjustment equal dialogue between the public and the authorities. Thus, on the one hand, to create, not just declare the appropriate constitutional and legal conditions, in particular by the principles of openness lawmaking, free access to information and the availability of effective treatments involvement. On the other hand - the imperative is to improve the constitutional and legal regulation in terms of promoting active and proactive community that is able to represent and defend their interests and participate in making regulations.

PLACE THE RIGHT TO LIFE IN THE SYSTEM OF HUMAN RIGHTS

Kuz'menko Ya.P.,
Degree Seeking Applicant
Zaporizhzhya national university

This paper investigates different approaches to classification of human rights. Various concepts of human right to life in the system of human rights are presented. Attention is paid to the fundamentality and priority of the studied law. Three groups of scientific viewpoints on classifying the right to life to the category of absolute rights. The right to life as the basis of all rights and freedoms in the field of personal safety and privacy. The right to life is proved to be the objective law (as the right for life acquires its value only in a state and only legal guarantee of subjective right to life leads to its actual implementation). It is stated that the right to live in a system of rights and freedoms a person and citizen is directly applicable, it should be seen as a social value that combines the full range of human rights. It is emphasized that the right to life is a natural, integral, inalienable, unified, innate human right, which is implemented directly, carried out objectively and serves a starting point, the criterion of all personal rights and freedoms thus is a fundamental principle (holds special place in the system of human rights).

Legal regulation right to life includes the recognition of the capacity rights as subjective rights. In turn, the subjective legal right – a phenomenon closely related to the objective law caused him there based on it, but nevertheless qualitatively different from it. Its structure may include a right to affirmative action (the right to own the actual act aimed at the utilization of object properties right, the right to legal action aimed at the adoption of legal decisions) right to claim and the right to protection.

However, the right to life can not be seen as a subjective legal right, that can not be the extent of possible behavior because it is an objective law. It follows from these provisions:

– firstly, human life is an absolute value. Its appearance, operation and termination takes place according to the laws of nature. Considering this, author affirm the naturalness and inalienability of the right to life;

– secondly, the nature and natural law can not and should not be servants of corporate law. The legal norm is not able to create living creatures. Human at birth is launching rights granted to him by nature regardless of fixed legal rules;

– and thirdly, the law has its own subject of regulation – the social relations that arise between people and groups. It thus assumes the character of social relations and the legal responsibilities of subjective rights. Subjective rights are legal forms of social communication, addressed to the other side, the core of which is the ability to implement its owner at its discretion, use or do not use it.

The author concluded that the right to life as the foundation of the legal status of the person should be seen as a social value that combines the full range of human rights.

SECTION III. CIVIL LAW AND CIVIL PROCEDUR; FEMILY LAW

SOME FEATURES OF DEFENCE OF PUBLIC AND DIGNITY AND HONOUR, BUSINESS REPUTATION, REFUTATION OF UNRELIABLE AND NEGATIVE INFORMATION AUTHORITIES PUBLIC OR OFFICIAL SERVANTS

Yakovenko E.A.,

Candidate of Law Sciences, Associate Professor, Chief State Inspector

Main administration of Ministry of profits and collections of Ukraine in the Dnepropetrovsk area

Judiciary practice of the European Human Rights Court and national courts reflects a defence's feature of honour and respect, business standing, refutation of inadequate and negative information by officials of public authorities or local government, connected with their performance of functional duties and citizens of Ukraine who are not officials. Such defence's feature concern ability of officials of public authorities or local government to prove infringement of personal non-property right in court. The analysis of judiciary practice of the European Human Rights Court and national courts leads about such ability in the presence of simultaneously necessary major factors which give possibilities to officials of public authorities or local government to protect the broken non-property right in a court. Definition of such major factors is necessary for practical application f the Ukrainaian current legislation's norms for protection of honour and respect, business standing, refutation of inadequate and negative information by officials of public authorities or local government in court.

On the grounds of analysis of the current Ukrainian legislation, positions of the Ukrainian Supreme Court and the European Human Rights Court it is possible to come to following conclusions:

- realisation of the information right should not break civil, political, economic, social, spiritual, ecological and other rights, freedom and legal interests of other persons;
- judicial protection of contradiction of inadequate information's about itself and members of the family for everyone;
- tort as infringement of the person's right to respect for honour and respect, business standing provides dissemination of inadequate and negative information about this person;
- actual approval can be checked up about their corresponding to the reality and can be refutated;
- honour and respect, business standing are categories of morality which define a good name of the person in the set ;
- value judgement, ideas, conviction, a critical estimation of the certain facts and defects which could not be checked up about their corresponding to the reality or could not be refutated is not a subject of judicial protection. There should be a basis for such judgement, even when it is estimated judgement;
- the proof of reliability of the negative information about claimants is assigned to the respondent, and the duty of the proof of the fact of distribution of inadequate and negative information is assigned to the claimant by the respondent only.

On the basis of the analysis of the current Ukrainian legislation, positions of the Ukrainian Constitutional Court and the European Human Rights Court it is possible to assert, that letters, statements, complaints cannot be considered as disseminated information which discredit honour and respect, business standing or harm interests of officials of public authorities or local government, if they contain simultaneously information about officials' of public authorities or local government activity corresponding functional duties that has led to right's infringement of the claimant (applicant). It must have clarification what was the harm to the rights of the claimant (applicant), and clarification of actions of such official which had no legal grounds, and have broken the right of the claimant (applicant).

It can not be concidered as dissemination of inadequate information if it is established, that

- the reference in law-enforcement or state authorities with the statement or the complaint about judicial misconduct if this authority is not allocated by powers concerning legality restoration in corresponding relations or applications of the sanctions to the offender provided by the law;
- the humiliation of honour and respect, business standing of the certain official was the purpose of these actions;
- the information is disseminated with comprehension of its unauthenticity;
- there were no purpose for the reference of the person to the specified authority and this reference is caused not by intention to execute the civic duty or to protect the rights, freedom or legitimate interests.

SECTION IV. ADNINISTRATIVE AND FINANCIAL LAW

ANNIVERSARY HONORED LAWYER OF THE RUSSIAN FEDERATION, CANDIDATE OF LEGAL SCIENCES, PROFESSOR NADEGDA GEORGIEVNA SALISHCHEVA

Kolomoets T.A.,

Doctor of Law Sciences, Professor, Honored Lawyer of Ukraine

Zaporizhzhya national university

In an article on the anniversary of the candidate of legal sciences, professor, Honored Lawyer of the Russian Federation Nadezhdy Grigorevny Salishchevoy, covered her creative way of life. Attention is paid to the process of its formation as leading scholars, speeding up its scientific views. Nadezhda Salishcheva made a huge contribution to the science of administrative law, the formation of the fundamental provisions of the Administrative Procedure, administrative justice, administrative responsibility, control, etc. There is no scientific sector work, in which there were no references to works N.Salischevoy. Formulated its scientific statements about the «jurisdictional nature» of the administrative process was perceived by many Ukrainian leading scholars. The basis of industry research on administrative and procedural legal capacity a judicial process for protecting the rights of persons against unlawful acts state control over the activities of state bodies, laid the scientific proposals formulated as during the Soviet period and subsequent years. The article focuses on the contribution of the role and importance of creative research Nadezhdy Salishchevoy in the formation of Ukrainian legal administrative science. In an article highlights the role of Nadezhda Salishcheva in the standards-related activities in the Soviet period and in subsequent years, in the preparation of many regulatory, codified in t.ch, acts which operated for a long time and remain in force until the present time. Emphasis focuses on expert advisory activities hero of the day, many interpretations of the legal acts. N. Salishcheva contributed to the development of legal education, the development of teaching methods, training future lawyers and training for judges and court staff. Professor has created his own scientific school, has trained a large number of students who successfully defended their candidate and doctoral dissertations. In working with students she uses own methods of training future scientists, paying attention to their personal qualities. Nadezhda Salishcheva is the author of many works that are relevant to modern legal science rulemaking. The article focuses on the basic provisions of the «classic» scientific works, the extent of their use of Ukrainian leading scholars in different times. It is noted that N. Salishcheva is one of the recognized leaders in the legal and administrative science, its merits are marked in the state, departmental level, and it is a prime example of the great scientist, a wonderful teacher with practical experience, master of her craft.

THE HISTORY OF THE "PUBLIC WORKS" INSTITUTION ORIGIN AND DEVELOPMENT IN THE LAWFUL DOCTRINE AND LEGAL SYSTEM

Alimov K.O.,

Candidate of Law Sciences, Lecturer

Zaporizhzhya national university

The scientific article is devoted to the research of the public works since the ancient times till nowadays. It characterises the nature of the public works, their necessity and the way of their application in different countries, especially in Ukraine beginning from the ancient times.

The public works as a way of punishment and the periods of their development are monitored in chronological sequence.
The public works main functions and the strategic aims of their use are defined.
The article analyses the expediency of the public works introduction to the punishment system.
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The public works as a way of punishment and periods of their development are monitored in chronological sequence.
The public works main functions and the strategic aims of their use are defined.
The article analyses the expediency of the public works introduction to the punishment system.
The public works as a way of an administrative punishment is practically an innovation of administrative and tortious law, that's why it's reasonable to study the development history of this institution.
The author defines the aspects of the public works formation as a kind of an administrative punishment, he also defines the periods of their development.
The attention is paid to the public works history beginning from the civilizations of Ancient Egypt, Babylon, the Roman Empire and other countries. Different kinds of the public works application in these countries and various aims of this way of punishment are studied in the article.
The public works importance and their influence on the economic development of the country are defined in this scientific article. The positive and negative consequences of the public works application as a way of punishment during different historical periods are analysed.
The punishments connected with labour service existed in the Old Rus law (the VIth – the middle of the XIVth century), the main written source of which was the Ruska Pravda. The public works development is being analysed in the home-country law.

STATUS OF TRANSLATOR IN ADMINISTRATIVE TORT PROCEEDINGS: A COMPARATIVE LEGAL ASPECT UNDER THE LAWS OF UKRAINE

Berezhnaya I.A.,

Candidate of Law Sciences, Lecturer

Berezhnoy A.R.,

Student

Zaporizhzhya national university

The article considers the legal fixation of the procedural status of a translator in administrative tort production. Based on the analysis of the current legislation is investigated content procedural status translator in administrative tort production, consisting of a set of rights, duties and responsibilities that characterize its place and role as a participant in the relevant proceedings.

The author claims that the theme of the procedural status translator in administrative tort production is poorly explored, examined fragments in the aspect of the more important problems. Quite logical and expedient in depth study of the peculiarities of the procedural status of a translator as one of subjects of administrative tort production for the formation of the modern scientific base in the process of creating a new codified administrative tort act.

The article gives a comparative analysis of legislative fastening of elements of the procedural status of a translator in administrative tort production and other productions – in administrative, civil and criminal. Taking into account the results of more effective activity of the legislator in administrative, civil and criminal productions regarding the fixing of administrative and procedural status of an interpreter, has allowed to adopt a positive experience in this issue to address weaknesses in administrative tort sphere. This will help to ensure the effective participation of a translator in administrative tort production in practice.

The author makes a conclusion that in administrative tort codified in legislation, there are not enough clear regulation of issues related to the implementation of the administrative procedural status of the translator as a full-fledged participant of administrative tort production. Expedient is unification and detailed definition of all constituent administrative-procedural status of a translator precisely at the level of administrative tort codified legislation. Required is the of the adoption of the new codified administrative tort act, which proposes to fix a separate article with a clear definition of procedural rights, duties, responsibility of the translator in administrative tort production.

ANALYSIS OF FOREIGN EXPERIENCE SPECIFICS OF LEGAL REGULATION OF ORGANIZATION, MANAGEMENT AND MAINTENANCE OF GOVERNMENT DEBT: PRIORITIES OF ITS IMPLEMENTATION IN UKRAINE

Pirozhkova Y.V.,

Candidate of Law Sciences, Associate Professor

Zaporizhzhya national university

In this article has been carried out research of foreign experience specifics of legal regulation of organization, management and maintenance of the government debt obligations. In the era of increasing the impact of globalization on the loan relationships, the analysis of experience of the high developed countries in the area of market relations, especially in the sphere of legal and institutional maintenance of government debt, will give the opportunity to optimize Ukrainian debt policy and influence on creation of the solutions for the internal and external government debt problem in Ukraine. The Author examined the specifics of legal regulation in the financial and legal institution of government debt in the USA, Germany, Great Britain, Poland, Russia, Kazakhstan and Belorussia; established patterns of maintenance of government debt obligations, described authorities and legislative acts in the sphere of legal regulation of organization, management and maintenance of the government debt.

In conditions of formation and functioning of market economy, government debt becomes one of the essential components of public finances. According to official data by the Ministry of Finance of Ukraine as for 31 of January, 2014 public debt and government-backed debt of Ukraine was UAH 585.298.486, 95 or USD 73.226.383, 96 [1]. The amount of our country's debt obligations were caused by the state budget deficit, and involving loans for its coverage. The size of the public debt of Ukraine and its systematic increase become not only financial, but also social and political problem, because government debt directly related to the issue of economic security. The issue of good governance, formation a strategy of maintenance government debt obligations is updated at the present stage of development the Ukrainian society in the context of overcoming economic difficulties and aggravation of the political crisis, which recently is going in Ukraine. The solution of this problem is a factor of economic stability in the country, because fiscal capacity, the stability of the national currency, financial support by international organizations is highly depends on this factor.

PRINCIPLES OF ADMINISTRATIVE LAW: GENERAL CHARACTERISTICS OF FEATURES

Sharaia A.A.,

Candidate of Law Sciences, Associate Professor

Zaporizhzhya national university

Principles of administrative law are specific, original category of a particular field of law. Not enough attention is paid at this in educational and scientific works. Their importance and fundamentality are often underestimated. Nevertheless it's relevant to emphasize the significant influence of principles of administrative law on forming and developing the science of modern administrative law, effective regulation and law application. In order to clarify a real perspective of principles of administrative law, the general features which characterize a particular category need to be mentioned. Such features represent external expression and content of all the principles of administrative law.

Principles and their importance for creating any kind of field of law are often underestimated. They are considered to be intermediate and passing doctrine regulations. The lack of high attention at principles of administrative law among scientists makes it seem that such category doesn't have an essential influence on administrative law and considers to be unimportant or of secondary importance. However, it's important to say that administrative law in modern conditions is rapidly developing, it's subject and content are systematically revised, so analysis of modern doctrine approach for identifying the concept of principles of administrative law as a fundamental category has above the average importance. The significance of principles of administrative law is that they create preconditions for building and developing modern science of administrative law, effective regulations. However, in order to demonstrate their real potential, real resources it's worth realizing general description of features which are attached to principles of administrative law. It makes them separated in individual block of principles.

THE FEATURE OF CONSTRUCTION OF THE TAX OFFENCE

Tripolskaya M.I.,

Candidate of Law Sciences, Associate Professor

Classic private university

Article deals with the problem of tax offence as base of financial responsibility for violation of tax legislation. The feature of construction of the tax offence has been studied by author. On the basis of comprehensive analysis of the measures of the construction the tax offence the scientific definition has been made by author.

Central part of article devoted to investigation of subjective side of tax offence. Devoted that subjective side of tax offence excluded from construction of tax offence by the tax legislation of Ukraine.

The author reveals the imperfections of the legal regulation of the financial responsibility for the violation of tax legislation. On the authors opinion in Tax Code of Ukraine must be fixed the definition of financial responsibility for violation of tax legislation. The concepts of the violation of the tax legislation and tax offense must be separated in the Tax Code of Ukraine.

The violations of tax legislation include a wide range of offenses, which include crimes, administrative and financial violations. Tax offenses, including their financial and legal nature, as well as fiscal, monetary, banking is a form of financial wrongdoing, and therefore is the basis of financial and legal responsibility for tax offences. Tax offenses inherent in following features: the main reason is the financial and legal responsibility for violation of tax legislation. They are characterized by social harm, unlawfulness, guilt; committed in the form of actions (or inaction); is punishable (for their commitment to the tax legislation provides for measures of financial and legal responsibility).

The base of financial responsibility for the violation of tax legislation has been considered by author. On the basis of the study of measurements of the tax offense the scientific definition of tax offence has been made by author.

LICENSING AS A MEANS OF ADMINISTRATIVE AND LEGAL REGULATION IN THE FIELD OF ADULT EDUCATION

Chorna V.G.,

Candidate of Law Sciences, Associate Professor

Yusifli A.T.,

Student

National academy of internal affairs

Administrative and legal means in combination is an effective structural elements of the regulatory activities of public authorities aimed at forming and development of public relations in various fields (including in the field of school education).

Organizational and legal means in the field of adult education by means a series of legal instruments (methods and techniques) through which the state affects social relations in the field of adult education in order to meet health and public interest in providing educational services in school educational institutions, and as the active development of this sector.

According to Article 1 of the Law "On licensing certain types of activities" legislator defines a license as a document state that certifies the licensee to carry out said it kind of economic activity during a specified period, subject to licensing conditions.

In turn, the license in the field of adult education state standard is a document issued by the competent authority of the public administration, confirming the right to provide educational services in school educational institutions, licensing and scope of adult education is a means of regulating adult education that provides quality educational services in school educational institutions within the state educational programs.

School educational institutions and other legal entities or individuals entrepreneurs start activities to provide educational services after obtaining a license for the proceedings to provide educational services, and separate structural subdivisions (branches, representative offices, etc.) out-of-school – after licensing introducing them to license out-of-school. Licensing in the field of adult education exercise Ministry of Education of the Autonomous Republic of Crimea and the education authorities of regional, Kyiv and Sevastopol city state administrations. These authorities have the right to verify the legality and validity of the accepted expert committees, regional expert panels decisions on licensing.

It should be noted that the Ministry of Education and Science there management licensing and accreditation. As part of this management has two divisions: the legal department and expert department. Given the importance of this type of product regulation in the field of education, particularly in the field of adult education, seen as necessary to supplement this management licensing department. The work of the department will focus not only on the regulatory and legal framework, but also the regulation of a wide range of issues which, because of their affiliation within the scope of licensing, in particular in the field of adult education.

THE ESSENCE OF THE PERMIT SYSTEM FOR ADMISSION TO THE DRIVING OF VEHICLES

Gavrylyuk R.V.,

Degree Seeking Applicant

Zaporizhzhya national university

The article examines the permit system for admission to the driving of vehicles in Ukraine. The author identified problems of administrative-legal status of the person in the field of road safety, which are considered from the perspective of relations between the individual and the state and individuals among themselves, within the development of "human-centric" ideology. Main attention is paid to the study of the mechanism of administrative-legal regulation of social relations. He stated that the legal order in the field of road safety is established using prescriptions and prohibitions. The features inherent in the licensing system as a means of administrative-legal impact on social relations in the field of road safety. The main types of permit system are the registration, certification, licensing, permitting. There is the detail analysis of the provisions granting the right to drive vehicles. The conditions for granting the right to drive vehicles are analyzed. The analysis of the problems in the training of citizens to obtain the right to drive vehicles is made. At the same time the author indicates that the profession of driver is one of the most popular and accessible, because the rationale for the restrictions and conditions for the deprivation of this right affect most of the population. It is presumed that the formation of the administrative-legal status of a Ukrainian citizen should take place from the perspectives that arise in connection with the socio-political changes in the country.

DIRECTIONS OF PROFESSIONAL DEVELOPMENT OF WORKERS

Efremova M.Yu.,

Adjunct

National academy of internal affairs

In this article the scientific content legally enforceable professional development of employees. On the basis of legally binding directions for professional development of employees proposed by the author to supplement the list of legally established.

Law of Ukraine «The professional development of employees» following specific activities of employers in the professional development of employees which are: 1) development of current and future plans for professional training of employees; 2) determining the types, forms and methods of vocational training of workers; 3) development and implementation of working curriculum of vocational training of workers; 4) the organization of vocational training of workers; 5) selection of teachers and specialists for the professional training of employees directly from the employer; 6) conducting initial and statistical records of the number of employees, including those who have undergone training; 7) stimulate professional development of employees; 8) provide additional training to the employer directly or in schools, usually at least once every five years; 9) determine the frequency of certification of personnel and organization of its holding; 10) analysis of the results evaluation and implementation of measures to improve the professional level of employees.

In the article the more detailed content legally enforceable directions for professional development of employees.

Through the general characteristics of legally binding directions for professional development of employees, it is worth noting that according to the pp. Part 1 of Article 8-10. 4 of the Law of Ukraine "On the professional development of employees ‘ professional development workers can be carried out in such areas as providing additional training directly to the employer or in schools, usually at least once every five years, determine the frequency of appraisal professionals and organization of its implementation, the analysis results of certification and implementation of measures to improve the professional level of employees. However, in our opinion, if to reveal the contents of each paragraph that mentioned above, it is obvious that they gradually reveal the various elements, include: training and certification. However, as a result of taking the necessary decisions to improve the professional development of employees.

Therefore, we consider it necessary items 8-10 Part1 Art.4 of the Law of Ukraine "On the professional development of employees ‘ combined into one area of professional development of employees, namely: «8) training, certification of officers directly by the employer or the educational institutions and the implementation of measures to improve the professional level of employees».

ADMINISTRATIVE-LEGAL REGULATION OF THE STATE STATISTICAL INFORMATION RESOURCES IN UKRAINE

Kondrat'ev A.Yu.,

Degree Seeking Applicant

Zaporizhzhya national university

The article tries to outline the characteristic features of the administrative regulation of the state statistical information resources in Ukraine. Is systematization of the General legal interpretations of the notion of "information resource" in research of domestic and foreign scientists. Analyzes the structural elements of statistical information resources, which includes a variety of information about the activities of economic entities of life of the population, natural resources, Finance, etc.

Define the tasks that are set before the state statistics of Ukraine. When providing statistical information to users, the State statistics service of Ukraine should stick to one of the fundamental principles of official statistics and the system of state statistics, the completeness, accuracy, scientific validity, timeliness and accessibility of official statistical information. It is proposed to fix this principle at the legislative level.

The rationale behind the necessity of forming a unified state integrated informational resource in Ukraine to meet the need for objective data on the status and trends of socio-economic development, economic and financial cooperation at the international, national, regional and sectoral levels. Determine the system of state statistical information resources, which includes the information resources of the State statistics service of Ukraine, statistical information resources of the functional state statistics bodies (enterprises, institutions and organizations that are in the sphere of management of State statistics service of Ukraine) and other state authorities.

In the process of creating a unified state integrated statistical information resource is critical organization interagency data exchange operational statistical observations based on standard technologies and standards of information storage. In this regard, an important task is the integration of information resources of the State statistics service of Ukraine with the resources of other ministries and agencies for the collection and accumulation of departmental statistics.

The conclusion is that the administrative and legal regulation of the state statistical information resources in Ukraine leads to the creation of a single informational space of the bodies of state statistics, which is formed on the basis of statistical data obtained from the monitoring objects, and covers official information, formed by bodies of state statistics; information obtained in the implementation of the departmental government of observations carried out by public authorities; regional information of state statistical observations.

MAINSTREAMING OF RESEARCH OF ADMINISTRATIVE-JURISDICTIONAL ACTIVITIES OF SPECIAL UNITS TO COMBAT ORGANIZED CRIME IN TERMS OF LAW-ENFORCEMENT REFORM

Molchanov R.Yu.,

Adjunct

Dnepropetrovsk state university of internal affairs

The article deals with questions of administrative-jurisdictional activities of special units to combat organized crime. The author raises questions of reforming law enforcement agencies. Resulting of implementation of the provisions of the Constitution of Ukraine, the Concept of administrative reform, the need to amend the Constitution of Ukraine, indicates the need for a fundamentally new status of the executive authorities, local self-government, forms and methods of their work, active participation of citizens in their formation and control over the activities. The author studied the works on issues of administrative jurisdiction conducted by Ukrainian leading scholars. In this study the problems of terminology are in the consideration of this category. He emphasizes the importance of developing administrative-jurisdictional relations, their study closely all the saints with the reform of the Ministry of Internal affairs of Ukraine. Paying attention to suggestions for improvement of administrative-jurisdictional activities of special units to combat organized crime, it is noted that this improvement occurred mainly from the perspective of operational-search activities as the main scope of their functions. However, an indictment of the existing order some of the actions of administrative-jurisdictional associated with the adoption of the new Criminal Procedural Code. The author states that the formation of a new doctrine of administrative law, whose main task is the implementation and protection of human rights and freedoms, should affect the reform of law-enforcement agencies. And the specificity of fulfilling their tasks requires a clear separation of jurisdictional, operational-search and criminal procedural activities.

ADMINISTRATIVE LEGAL RELATIONS IN THE STRUCTURE OF PUBLIC ADMINISTRATION OF TAXES AND FEES

Rogachev G.N.,

Degree Seeking Applicant

Taras Shevchenko national university of Kyiv

The article discusses the essence of administrative-legal relations in the current transformation of the industry of administrative law in Ukraine, determined by their place in the structure of public-law relations, the process of public administration. Identified and proposals for further improvement of the role of the principles, forms and methods of public administration in the system of administrative-legal relations.

Ehe author proposes to consider legal relations in the context of public administration, the European experience implementing its principles, forms and methods of management. Accordingly, we believe there is a good definition of administrative legal relations as relations that flow from performing administrative obligations of public administration. A characteristic feature of administrative legal relations is that of public administration acting in their ruling party that sells its executive and administrative powers. That is right on making authority (mandatory) solution.

Therefore, the relationship between administrative-legal relations with the public – we agree with the legal position administratyvistiv scholars as to what features of public-legal relations is imperative method of regulation which is in turn immanent method of regulating administrative-legal relations. Imperative method in public law (as dispositive in private law) primary, that is common to all branches of public law.

The author concludes that, it is imperative method acquires a new legal content, in the context of the reform of administrative law. With the adoption and implementation of Ukrainian realities of European principles of public administration may be concluded that the current development of private and public law in developed democracies, due to the emergence of a qualitatively higher level of social justice, the latter in turn is a factor of more regulated by law involvement citizens in public policy. Government agencies are not the sole authority istochnykom they perform a representational function, that under and within the powers defined by law, on the other hand may require compliance with national government representatives applicable legislation. So balance is achieved between the public authority of their possible coercion, sanctions and private interests. That is the balance we believe forms the basis of civilized substantial administrative-legal relations as a major component of the public administration of taxes and fees.

In this regard, an important consolidation in the art.4 Tax Code of Ukraine principles of tax law including a significant step towards protecting the rights of the taxpayer's favor the presumption of legality of the taxpayer if the rule of law or other legal act issued under the Act, or the rules of the different laws and different legal acts ambiguous (multiple) interpretation of the rights and duties of taxpayers or supervisory bodies, so that is the ability to decide for both the taxpayer and the supervisory authority. At the same time, remain unresolved procedure and methods for implementing this principle in dealing directly with the taxpayer's tax authority which actually form the process of tax administration.

Next steps and improve scientific understanding of the nature of administrative-legal relations in the collection of taxes and duties, principles and methods of regulation is a profound development and fixation in the principles of public administration of taxes and fees. The transformation imperative method administravtyno regulation-legal relations should be based primarily on the principle of legality and legally established responsibilities of public officials, transparency in the prosecution of such liability.

SECTION V. TOPICAL ISSUES OF CRIMINAL LAW AND CRIMINOLOGY; CRIMINAL-EXECUTIVE LAW

SOME ASPECTS OF THE IMPLEMENTATION OF THE INTERNATIONAL LEGAL OBLIGATIONS OF UKRAINE ON COUNTERING SEXUAL EXPLOITATION AND PEDOPHILIA

Chmut S.V.,

Candidate of Law Sciences

Zaporizhzhya national university

Mezhdunarodno-pravovye acts, directed on counteraction sexual exploitation and depravation of children, are analysed in the article, and also the problems of implementacii of their requirements are probed in the legislation of Ukraine, grounded suggestion about bringing of the proper changes in disposition 155 of the Criminal Code to reveal the contents of socially dangerous acts that indicated in the title as "sexual intercourse".

International legal obligations of Ukraine aimed at the full and effective protection of the whole complex of rights and freedoms of minors. They are of great importance for the development of the national system of criminal law. The first international document that declared common principle that "Humanity must give children the best of what it has", was the Geneva “Declaration of the Rights of the Child” 1923 [1, p. 6]. It draws attention that children are not able to exercise their rights independently, and that is why the special attention is needed from the side of society to this category of population. The Declaration proclaims the appeal to all humanity, public organizations, local authorities and national governments to identify and provide special rights of children by legislative and other means. Despite the declarative character of this document, for the first time in the history of humanity the right of children to assistance, education and protection, regardless of nationality, citizenship and religion was proclaimed [2, p. 155]. Before the introduction of the so-called "Map of children’s rights" in 1948, this international legal instrument for 25 years guarded the rights of minors. Map of children’s rights is a basic document in the historical process of the formation of international legal standards for the rights and freedoms of the child, as all subsequent documents only develop and concretize its main provisions. It is impossible not to remember as basic international legal documents, standing on the protection of the rights of the child, the Universal Declaration of Human Rights 1948 and the Declaration of the Rights of the Child, 1959. In the General Declaration of Human Rights is stated that motherhood and childhood are entitled to special care and assistance (item 2 of article 25). In the Declaration of the Rights of the Child, one of the co-authors of which was Ukraine, it is emphasized that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth" [3].

TOPICAL ISSUES OF THE ESTABLISHMENT AND FUNCTIONING OF SPECIAL STATE ORGANIZATIONS TO FIGHT AGAINST THE INTERNET FRAUD IN DIFFERENT COUNTRIES OF THE WORLD

Sabadash V.P.,

Candidate of Law Sciences, Associate Professor

Zaporizhzhya national university

The article deals with topical issues of combating online fraud by analyzing the activity of the state special organizations of such leading countries of the world as the USA, Great Britain, Russia, France, Germany and some other countries, that have gained an extensive experience in the establishment and functioning of such departments and organizations which can be used for creating similar services in other countries.

Today a variety of high-tech devices are used in everyday life – plastic cards, mobile phones, tablets and computers. New models, programs and services are being developed. All these things make our lives better, but they require certain skills and knowledge. Modern society has become more technologically dependent.

However, along with development of high technologies, new types of fraud aimed at appropriation of citizens' funds are coming into existence. This, in its turn, sets tasks of combating such fraud actions by the society and law-enforcement bodies. In particular it concerns the global Internet, which knows no borders and allows fraudsters to carry out their criminal plans at a distance. Even a new term "online fraud" has come into use.

So, the purpose of this article is to research the issues of establishment and functioning of special units combating the Internet fraud in different countries of the world with the aim of borrowing the accumulated experience of law-enforcement and non-governmental organizations' activities.

Having studied the scientific issues of the problem of combating the Internet fraud by the establishment of special units to fight against such criminal actions we have come to a conclusion that no special research of these issues has been made at present stage. However, it should be noted that some aspects of fighting against computer crimes have been considered by D.S. Azarov, J.G. Baturin, P.D. Bilenchuk, M.S. Vertuzaev, V.B. Vekhov, A.G. Volevodz, V.O. Golubev, M.D. Dechtiarenko, E.I. Panfilova, O.G. Popov, N.A. Selivanov and some others.

It should be noted that today some special state organizations, responsible for fighting against crime in the field of high technologies, including different aspects of combating online fraud, have been established.

SECTION VI. CRIMINAL PROCEDURE AND CRIMINOLOGY; OPERATIONAL SEARCH ACTIVITY

CLASSIFICATION OF INVESTIGATIVE SITUATIONS WHILE INVESTIGATING MURDERS

Sichkovska I.V.,

Candidate of Law Sciences, Associate Professor

Lviv state university of internal affairs

Typical investigative situation – a situation that often arises in practice and determines the characteristics of investigation techniques (typical investigative leads, common tasks faced by investigators and the methods and means of solving them).

Success disclosure murder depends on whether you installed all the elements of criminological characteristics of the offense of murder. Elements of forensic characteristics and their reflection in the forensic characterization of a crime are the relationships between them. During the installation of one element may be provided information about another item or multiple items.

Investigation of the situation is individual in each case, as formed by the combination of various components at each stage of the proceedings of the investigation. Given the complexity and structure bahatokomponentnist investigation of the situation, the impact of different objective and subjective factors constant dynamism of the process, the result is a large number of options for investigation of the situation. Of course, all typify investigating the situation impossible, but we will quote the most common classification criterion for the division in which there are different kinds of reasons.

The above classifications reflect the majority position of scientists regarding this issue. In our opinion, the basis of classification is the classification of investigative situations foundations are formed depending on the category of tional criminal cases, forensic descriptions of the type of crime that should be taken into account when investigating crime and every stage of pretrial proceedings.

The analysis of investigative practices, we conclude that all investigative situations while investigating murders (in the general sense) can be divided into two groups: 1) investigating the situation "without a corpse"; 2) investigating the situation "with a dead body", which, in turn, it is advisable to divide the investigation of the situation "with the suspect" and "without it".

Study materials of criminal proceedings (criminal cases) allowed investigators to distinguish the typical situation of the initial stage of pre-trial investigation of the murders and investigate the prevalence of interest: 1) the disappearance of the person (murder hidden, long time, but only predictable because the corpse is found, the person the victim is known, but the unknown circumstances of her disappearance) (13%); 2) The secret murder, which was accompanied by the dismemberment of the corpse and hiding parts of the body (7%); 3) murder committed in secret obvious (no staging, revealed immediately or shortly after the murder, the killer is unknown at the scene found dead of unknown) (36%); 4) murder hidden, recently, but its mechanism is unclear (the corpse is found, the person sacrifices installed) (13%); 5) identification of the dismembered corpse (3%); 6) secret murder, criminal proceedings initiated by the discovery unidentified corpse (9%); 7) murder hidden, long time, but probably because the body is not found, but the remains – the skull and bones with remnants of clothing (the cause of death is unknown, we can assume and murder, and other causes of death) (12%); 8) murder of apparent (open), killer detained person of his knowledge (7%)

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