
1996

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. - : , 2007. – 124 . : . . . 375:

Naukovy Visnyk Chernivetskoho Universitetu: Zbirnyk Naukovykh Prats. Vyp. 375: Jurisprudence. – Chernivtsi: Ruta, 2007. – 124 s.

The issue on the base of the newest achievements of legal science, law application practice, domestic and foreign experience touches upon the problems of theory and the practice of the various law branches, there are formulated practical recommendations to the legislator on the development of the legislation currently in force, as well as to the employees of law-protecting bodies on the application of the concrete norms of law in the circumstances of transitional society.

It can be used by scientific employees, teachers of institutions of higher and secondary specialized education, students, employees of law-applying and law-protecting bodies.

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, 58012, . , . , 2,
, . (0372) 58-48-73
E-meil: oleg@chnu.cv.ua
© , 2007.

29.03.2007 . 60 84/8.
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600- . . . 8 1864 . « 15 1869 ./ 5

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" [1, 240].

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[1, . 243].

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[2, . 30; 3, 95].

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" [4, . 493].

" [1, 180].

309, 311].

[5, . 314-315].

" [6, . 202].

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4. - . 20.
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6. 1956. - . 1. 1929.

17 2007
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Y.N. Dmitrienko

**LEGAL, MORAL CONSCIOUSNESS, CONSCIOUSNESS
OF THE BEAUTY IN CONNECTING SOCIETY: WAY TO UNDERSTANDING**

Summary

Different approaches are analyzed in article to study of the legal consciousness .

[1; 4; 15].

jus gentium,

, jus

honorarum.

[1, .119-120].

, , -
 , : [4]. -
 [1, .130-131]. -
 " " : - , -
 16.12.1966 . - : "...
 16.12.1966 . [2, .44-68], - , -
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 (1950 .); -
 (1981 .); -
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 (1975 .) [2]. 1995 (,). , -
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 (06.11.1997 ., [7]. -
 25.01.1996 ., 13.12.1955 .). -
 . 55 : "
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 [3]. " , , -
 , [8]. -

..."
, .7 (.73, 76).
, .10
[8].
.14
[9] ". .2 "
" .68
) [6].
" " : "...
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: " :
(.19) [8].
" " 6
27.11.1978 ., (" "
") 15.09.1995 ., " "
" 20.11.1989 .
[10]. .1: "
: ".
: .3-4
(.13, 21, 24, 26, .2 .38, .51-52, .
1 .71, .80, .105, 126, 129, 149 :
[11]; .2 .5 " :
" [12]; .16 [13]; .248 [15].
[14]).
: " .55
:"

4. // . - 2000. -

11. - 21-23.

5. // <http://www.undp.org.ua>

6. 24.10.1945 // <http://www.undp.org.ua>

7.

1997 // <http://internetrights.org.ua>

8. 1948 // <http://www.undp.org.ua>

9. 1950 // www.undp.org.ua

10. « 27 1978 » //

; , 1993; 15

1995 // <http://www.un.org/russian/>; 20 1989 //

<http://www.undp.org.ua/?page=documents/>

11. / 2-

12. , 1998. - 412 .

1. : 12. : 20.12.90 () // -

- 295 . : , 1999. - 1991. - 4. - . 20.

2. - 13. - , 2001. - 208 .

2000. - 784 . 14. : 15 2004

3. 28.06.1996 .// : 15 2004

30. - . 141. 15. , 2004. - 184 .

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. - 2003. - 3. - . 79.

20 2007 .

« » . . .

S.B. Bodnar

EQUALITY AS MECHANISM OF INTERACTION OF THE RIGHT WORLD COMMUNITY AND UKRAINE
Summary

In condition of the modern legal reality all more actuality the question about principle and order of co r- relation of the world's right and separate state, which is predestined insuffic ient as theoretical, so and norm a- tive regulation of this aspect. At clarification given problems follows to pay attention to action social -history constant, which reveals itself in the form direct causal certainty general development of the right.

In given article is motivated that managing principle in interaction national and international right there is exactly equality, which contents is expressed in objective dialectical correlation of the generalization and personalization. On its base is created majority international-legal acts and practically this principle serves the starting points to any activity state, international organization. But more full image given ideas in legislation of the Ukraine will render the assistance national -legal development of the country.

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[2, . 318].

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[5, . 537].

[3, . 188].

XIX

([4, . 355-356].),

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 [6, .55].
 [3, .190].
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 (1863)
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¹ Fiskus –

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 - allgemeinen und schweizerischen
 - Verwaltungsrechts. Zürich, 1977.
 [7, . 434 -439]. 4. : /
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 5. : : 1. (-
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 7. :
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I.S. Grischenko

**BASIC EUROPEAN SYSTEMS OF THE ADMINISTRATIVE LEGAL PROCEEDING:
HISTORY OF ORIGIN AND DEVELOPMENT**

Summary

In the article on the basis of foreign and domestic scientific sources watched the evolution of the basic European systems of the administrative legal proceeding, grounded the recommendations on application of experience of their existence in Ukraine.

» [9, . 65].

" [4, . 329].

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«...» (. 7
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 » [3, . 14].
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 , 2001. - . 102.
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 6. IX - XIX . . /
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 8. //
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 9.
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 14 2007 .
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N.E. Tolkach va

**CUSTOM LAW IS IN THE SYSTEM OF THE SOCIALLY VALUED OPTIONS
AND NORMATIVE ADJUSTING OF RELATIONS**
Summary

In the article as the basic is grounded position that in basis of social vitality and claiming of consuetudes in general and legal consuetudes such property of public and state -legal life lies in particular, as following of basic norms and institutes of society .

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[5, .605].

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[5, .546].

[1, .79].

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[3, .104].

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6. / - ., 2002.

2 2007 .

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O.S. Lotuk

LEGAL PROTECTION OF THE CONSTITUTION IN FOREIGN COUNTRIES

Summary

This article is dedicated to the analysis of foreign countries' legislation in the domain of legal protection of the Constitution.

The author proposes to distinguish four basic models of constitutional control: American, Swiss, German and French models, defines the differences between them and outlines the determinative role of courts in legal protection of the Constitution.

. XX .. , 90- .90- .XX . (.) .) .

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” [3, c. 116-117].

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[17, c. 569-570].

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[15, c. 6-7].

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[11, c. 256].

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[7]. **2.**

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” (. 6 . 60) [8, c. 64].

[6, c. 14-15].

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 [9, c. 18].
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 104 : “... ’ (),
 [19, c. 272-274].
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 [4, c. 51].
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 [16, c. 370].
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12. 16.):
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 2006. (- . - . 3. - ., 2001.
 14.) : 18.
 - ., 1999. / - ., 1996.
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2 2007 .
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O.T. Voloschuc

LEGAL NATURE OF INSTITUTE OF PRESIDENT

Summary

In this article on the basis of comparison of domestic and foreign experience is probed legal nature i nstitute of president, drawn a conclusion that legal status of Pres ident makes part of institute of President only, is narrower on maintenance last, and also elucidation of such terms of constitutional right is given, as a “i nstitute of president” and “institute of presidency”.

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1997			-	1. Folliot Michel G. Les relations aériennes internationales – Paris, 1985. – 568p.
	7	(	-	2. Commission Regulation (EEC) No 2671/88, OJ L 066, 10/03/1989 P. 0039.
,	,	,	,	3. Commission Regulation (EEC) No 2672/88, OJ L 239, 30/08/1988 P. 0013.
,	,	).	-	4. ECA/TCTD/94-92.
,	,	,	-	5. ECA/TRANSCOM/1011, (June,1995).
.			-	6. ICAO. Doc. ATConf/5-WP/81, 04/03/2003.
,			-	7. ICAO. Doc. ATConf/5-WP/58, 12/02/2003.
,			-	8. ICAO. Doc. ATConf/5-WP/60, 25/02/2003.
.			-	9. ICAO. Doc. ATConf/5-WP/72, 26/02/2003.
:			-	10. ICAO. Doc. ATConf/5-WP/89, 11/03/2003.
,	2000		-	11. ICAO. Circular. 271- /112.
.			-	12. ICAO. Circular. 273- /113.
,			-	13. ICAO. Circular. 279.
.			-	14. ICAO. Doc. 9786.
,			-	15. www.caricom.org/archieves/agreement-multilateralairservices.htm
,			-	16. www.maliat.govt.nz
,			-	17. www.sice.oas.org/trade/junac/Decisions/DEC297e.asp
		10	2007	
		«	»	

Y.O. Drobidovska

LEGAL ASPECTS OF LIBARISATION OF AIR SHIPMENTS ARE IN REGIONAL AGREEMENTS ABOUT AIR CONNECTION

Summary

Considered regional mechanisms foresee a right for the choice of rates and ways of libarisation simultaneously with the legal fixing of gradual changes in adjusting of air shipments, that in the future will result in complete access to this market of all interested subjects.

[4, .272].

[4, .270].

[4, . 268-276],

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» [2, . 769] . 3 . 1 . 3,

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» [4, . 13) «

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.234]. 32

» (1965 .): «

» [2, .475],

(. 2 . 39 - : «

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[1].

» [2, .652] .122

» (1987 .).

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» (1987 .): «
 » [2, .638].
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 (1989 .): «
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 IV.
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 » [2, .196]. » [3, .162].
 voluntatis lex
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 9 « » (1962 .):
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 » [2, .
 714], . 1 . 69 105
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 » (1992 .) : « (. 46 . 218 «
 » . 81 : « » 1995 [5, .334]), (. 2 . 3098
 . 351]), (. 32 « 1991 [5,
 » 1965 [5, .475] .
 » [2, .504].
 43.
 47. . 25 2. «
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 1940 : « [3, .49-51].
 » [2, .292] . 64 2675 «
 » (1982 .): « : 1)
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 ; 7)
 . 29, 30
 [4, .145].
 «..

», [2, .347].

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» (. 2 [6, .407]

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» [3, .51-52].

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» [4, .145].

“) [2, .164], (.1233 “

1. 23.06.2005., 2709-IV // 6. / , 2001. – 892 .
 . – 2005. – 32. – .422. – 3- „ – :
 2. , 2004. – 584 .
 . // - 7. //
 . – 1995. – :
 6. – 196 . .5 / -
 3. ; ,
 , 1992. – 248 . 2002.- . 340-389.
 4. „ „ - 8. Kropholler Ja. Internationales Privatrecht:
 . / . . - auf der Grundlage des Werkes von Paul Heinrich
 – : Neuhäus: Die Grundbegriffe des Internationalen Pr i-
 , 2001. – 480 . vatrechts / von Jan Kropholler. – Tuebingen: Mohr,
 1997. – 625 .
 5. : -
 / -
 19 2007 .
 « »

S.M. Zadorozhna

THE VOLUME OF REALIZATION OF THE AUTONOMY OF WILL ACCORDING TO THE FOREIGN LEGISLATION

Summary

In the given article the volume of realization of the autonomy of will according to the foreign legislation are considered.

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[8, .17].
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[16, .53].
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[14, .3].
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[10, .4].
» [4, .17].
[3, .50],
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» [2, .15].
[9, .25].

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” [5, .13].
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»[1, .336].

[12, .8].

[14, .3].

: 1)

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[11, .162].

[16, .53].

[13, .24].

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(“ ”) ,

[7, .105].

« » [6].

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			, 1979.	-
		8.		-
			, 1972.	-
		9.		-
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			, 1978.	-
		10.		-
			, 1992.	-
		11.		-
1.				-
2-	1. -			-
		//		-
		3. -	, 1957.	II. -
		12.		-
	, 1982.			-
3.		():	...
	//		: 1987.	-
	, 2001.	13.		-
4.		- :	, 2000.	-
	//	14.		-
, 1989.			, 1987.	-
5.		15.		-
	, 1998.	//	- 1995. - 4 - 5.	-
		16.		-
			, 1968.	-

17 2007
« »

T.M.Yarova

MEANS AND FORMS OF DEFENDING OF CIVIL RIGHTS AND INTERESTS

Summary

In the article the problem of designation means of defending forms were shown, and also indicated the criterion for classification of analyzing righting phenomenon.

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” 13 2001 , .77 , , -
“ ” 8 1995 - , , -
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, ; 3) , -
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, ; 4) , -
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29 1960 ; - 1963 . -
31 1963 , -
; -
21 1963 , -
(12 1996 - , -
); (1988); , , -
1963 , 12 (1963) , -
1997 (- - -
); 17 1971 ; , , -
25 1965 ; -
12 1997 . (1963). 5 \$. -
29 1960 , , -
, -
, -
: , - 1988 . -
, , , , , , , , , -
, , , , , , , , , -
, , , . -

1. 1996 .. (- 1959 . - 5)
 1992 .. - 1964 ..
 1962 .).

2. (),
 1977 . [4, c.7-8].

1961 ..)
 (1963 ..)
 (: 1)
 : 1)
 ; 2)
 ; 3)
 ; 4)
 (.1 .7 .2 .3
 . 10

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; 3)

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(.2 .9 1962 , .5 .11) [5, c.37-38].

: 1)

150

2)

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.76 “ ” -

1995 , : 1) 8 , , -

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; 3) -

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- 2.

, , - 29 1960 .

. 3. . .

, 1997. . - .:

, , 4. . .

. - ., 1978.

, 5. -

, (-

). - ., 1989. -

10 2007 .

« » . . .

Y.O. Balyuk

DEFENSE OF RIGHTS AND INTERESTS OF VICTIMS IS DURING REALIZATION OF LEGAL RELATIONSHIPS OF INSURANCE OF CIVIL RESPONSIBILITY FOR NUCLEAR HARM

Summary

In the article the legal constructions of defence of rights and interests of victims are analysed during realization of legal relationships of insurance of civil responsibility for nuclear harm .

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 , [14; 17]. , « »
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 , 1991 .
 , 28 1992 . « » (2296 -
 XII), II
 « » [5],
 « »
 , (1948 .),
 « » (1950 .)
 , (.10
) (.6).
 (1924,
 1929, 1963 .)
 « »
 7.02.2002 . « »
 ; « » .9
 « »
 . 2007. 375. . 73

», ([11, .21; 19, .29], « » « » [20, .16].), « » [8, .15]. . 1 « » « » [12, .7], () « » [9, .329], « » 10 2006 . » [18, .483], « » « ...» [6]. » [16, .2766] « » . 1 , - .

... () , ; 3) ; 4) ; [14, . 16]. ; 1) ; 2) ;

2003.- .13-16
9.
2003.- 408 .
10.
//
1. . 10
1948 . / : , 2006.-
.28-33.
11.
« », 2003. - .534-539. « »,
2. 2007.- 480 .
. 4 1950 . / 12.
:
(.).
. - .: « », 2003. - , 2001. - 20 .
.539-551. 13.
3. //
28 . 1.- - : , 2003.- .150-153.
1996 . // 14.
1996.- 30. - .141.
4. « , 2007.- 42 .
» 7.02.2002. // 15.
. - 2002. - 27-28. - .180
5. - , 2002.
. 16.
28 1992 . // /
. - 1992. - 30. - .426. , 1999.- 1110 .
6. «
- , 2006.-20 .
» 10 18.
2006 . 19.
7. . - 1983.- .10.-544 .
. 18 19.
2004 . - .: « »
», 2004. - 328 . .: , 2005.- 624 .
8. , - 20.
: : 2 ./
// - 1: .:
, 80- , 2007.- 916 .
. «

23 2007 .
« »

O.V. Getmantsev

THE JUSTICE IS ONE OF THE PURPOSES OF CIVIL JURISDICTION

Summary

In the article the meaning of the justice in the system of purposes in civil jurisprudence is analyzed and the procedural features of justice in civil trial are described.

1. . - 2003, 40-44. - // .356.
2. “ ”// . - 2001. - 10. - .44.
3. 20-6/030 26.11.2002// : . - 2003. - 16.
4. 8/140 06.04.2004// : . - 2004. - 17.
5. . . , 1974.
6. . . //
2002. - 1.
7. . . // - . - 2004. - 42.
8. . . . - , 1972.
9. . . “ ” “ ” //
10. . . 5. - 2007. . (“ ”). - ., 1997.

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11. 12.
 // : /
 . - 1916. - 6. . . . - :
 , 2002.
 20 2007 .
 « »

I.I. Babin

**THE PRESUMPTION OF THE CONSCIENTIOUSNESS IN THE TAX LAW:
 THE THEORY AND PRACTICE APPLICATION**

Summary

In this article the theory and practice application of the presumption of the conscientiousness in the tax law are analyzed. The recommendations for improvement the tax policy in Ukraine via the presumption of the conscientiousness in the tax law are elaborated and suggested to the legislative and executive authorities ; the scientific guidelines and criteria for this activity are evolved.

... [5], [10], [19; 20], [24], [26], [23], [25], [33], [34], [41; 42], [46], [48], [52], [54], [59], [8; 9], [17], [23], [25], [33], [41; 42], [48], [54], [59], [54, c.15-27]. : « ... » [44].

» [54, c.31].

«

: «

» [54, c.57].

[6, c.27-29].

«

» [19, c.49].

[19, c.48].

?

» [61, c.102].

[62].

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» [61, c.101].

« ...» [60].

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» [61, c.108-109].

: 1)

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» [59, c.202-203].

» [61, c.111].

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...?»

[61, c.107].

» [59, c.205] (

»

[57; 56].

« [26, c.27-28] ...
 : « ...
 c.28] (...). » [26,
 ...
 (...):
 ; [49, c.154].
 » [61, c.102] (...).
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 » [50, c.21]. [54, c.79].
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 () - - , ()» [25, c.3].
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 » [33, c.97-98]. » [25, c.3].
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 » [33, c.98]. ,
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 . . , - ,
 [55, c.52].
 , () . . [2, c.140],
 » [33, c.97]. (-
 . - .) ,
 . . , ,
 - [55, c.142].
 « » , . . , ,
 [32, c.18, 19, 21], - - , , « - -
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 » [54, c.24]. - - ,
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 (- . .), - - () , ,
 [55, c.55]. ,
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« ... ».

« ... » [45, c.17].

« ... » [46, c.46, 58].

[55, c.57].

« ... » [13; 12].

» [23, c.69].

« ... »

(...)

(...),

» [23, c.69].

« ... » [7, c.60].

« ... »

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(...),

» [30, c.87].

c.39].

[66,

(...)

[30, c.87].

: « ... »

(...)

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.1

[42, c.83-84; 41,

c.29].

(.3 .17)» [66, c.39],

». «

8 2001 . 14-

[66, c.39].

» [11, c.45, 46].

: «

(. - . .).

» [24, c.38-39].

[63, c.22, 23, 24].

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); (» [5, c.31].
(. - . .) : «
» [36, c.30; 34; 37; 35].
« - , - » [5, c.33-34].
» [48, c.162].
« - , - » [5].
» [48, c.167-168].
« - , - » [48, c.171].
« - » « - » « - »
» [48, c.181]. » [5, c.57].
[47].
»,
« - , - »
» [5, c.90].

« ... »

...» [17, c.181].

« ... » [17, c.182],

[16; 18, c.8].

« ... » [52, c.209-210].

« ... »

» [52, c.209]

(...).

» [10, c.52].

: « ... »

« ... » [10,

c.81]) « ... »

« ... »

» [52,

c.209; 51, c.7] (...). » [10, c.82].

« ... »

« ... »

» [10, c.82].

(...) » [28, c.30-31].

: 1)

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[10, c.89-90].

2004 . « ... »

» [27, c.45; 29, c.25].

21] ... [15, c.15-18].

[58, c.20-

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» [64, c.76; 65, c.17].

« » . . .

« » . . .

[4, c.170]

» [53, c.28].

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[. . .]

(. . .) - () ,

() » [64, c.3].

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» [21, c.130].

» [64, c.9].

[21, c.432-433].

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» [64, c.21].

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» [38, c.19].

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» [44, c.41].

» [43, c.91-95; 40].

» [14, c.113]

ad rem (

» [1, c.6] (

» [1, c.7], -

» [22, c.15-16].

» [39, c.10].

[9, c.142]. 1 2

: 1)

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» [9, c.128]. ; 5)

[31, c.4].

c.119. » [9, «

1975

» [9, c.142].

[3, c.50-51].

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» [8, c.9].

2005 ..

[9]. «

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» [20, c.41].

[9, c.129]. « »

[9, c.141]. «

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« » [19, c.83-84]. , -
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» [19, c.84]. -
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» [19, c.85]. -
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1. 1996 1 28 2006 -

2. , 2006.

3. 1. - , 1972.

4. , 1975.

5. , 1984.

6. , 2006.

7. (. . . .) . - , 2002.

8. , 2004.

9. , 2003.

10. , 2003.

11. , 2001.

12. ; , 2006.

13. // . - 2003. - 4. - .34-38.

14. // :172. . - : « » , 2003. - .65-74.

. 2. - , 1994.

15.	..	..	32.	..	-
- .., 1997.	:	.. - ..	33.	..	..
16.	..	..	34.	..	-
.., 2002. - ..89-174.	:	.. - ..	35.	..	-
17.	..	..	36.	..	-
.., 2006.	:	.. - ..	37.	..	-
18.	..	..	38.	..	-
....	..	.. - .., 2007.	39.	..	-
19.	..	..	40.	..	-
.., 2008.	:	.. - ..	41.	..	-
20.	..	..	42.	..	-
/ ..	:	..	43.	..	-
/ ..	:	.. - ..	44.	..	-
.., 2006.	:	.. - ..	45.	..	-
21.	..	..	46.	..	-
.., 2007.	:	.. - ..	47.	..	-
22.	..	..	..	..	-
.., 2004.	:	.. - ..	..	..	-
23.	..	.. - 2- ..	..	..	-
.. - .., 2007.	:	..	..	..	-
24.	..	..	..	..	-
.. 6 ..	:	.., 2004.	..	..	-
25.	..	..	..	..	-
.. - .., 2006. - 7.	:	..	..	..	-
26.	..	..	..	..	-
.., 2005.	:	..	..	..	-
27.	..	..	..	..	-
.. i .., 2004.	:	..	..	..	-
28.	..	..	..	..	-
.. (..	:	.., 2006.	-
29.	-
.. - .., 2004.	:	-
30.	-
/ .. - 3- ..	:	-
.. - .., 2007.	:	-
31.	-
(2- ..)	:	.. -	-
- 2000, 2002.	:	-

48. ... - 58. / ... , ... -
: , 2003. ... , 1994.
49. ... - 59. ... , 1995.
- .. , 2003. 60. ...
50. ... - 61. ... , 1996.
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. - .., 2004. 61. ... :
51. ... - , 2001.
. ... 62. ... -
. - .., 2002. 63. ... , 2002.
52. ... - 63. ... -
: ... -
, 2001. - .209-210.
53. ... , 1983.
. ... 64. ...
. - .., 2003. :
54. ... - .. - , 2004.
. - .. « 65. ...
», 2006. :
55. ... - .. , 2005.
: / ... - .. , 2005. 66. ... -
56. : / ... () //
, ... ; - .. , 2007. - 3.
, 2003. - .154-314.
57. : / ...
. - 3- .. - ..
, 2003. - .297-508.

14 2007
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L.V. Vakaryuk

POST SOVIET CONCEPTIONS OF FINANCIALLY LEGAL INSTITUTE

Summary

In post soviet science of financial right from soviet predecessor mechanically carried and animated in it all of those three basic conceptions of financially legal institute – fund conception, institutional conception, subject conception. It is predefined that post soviet science of financial right on the whole and its conceptions of financially legal institute during all of the noted period for this time evolve under the dominant influencing of two followings factors: for the first, genetic cognation with its soviet science of financial right and its conception of financial legal institute with soviet conceptions of the same to the phenomenon; for the second, market transformation of all of sides of public life, above all things spheres of public production, in that number of financial relations, deep precondition of relations of ownness, revival and dynamic development of peculiar and equalization of it in rights with ownness public, which stipulated the native changing of role and place of financially legal theory, jurisprudence on the whole in life of society. However determining role in development of post soviet financially legal theory and modern conceptions of financially legal institutes from – between both higher noted factors belonged and so far belongs to first from them. However in time his influencing diminishes gradually.

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[20, .21].

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[1, 2, 10, 13, 15, 20].

[5, 7, 12,14, 18].

[9],

[8, . 146-172; 11, . 347 – 360; 17, . 282 – 296],

[2].

. 86].

[7,

[12, . 25].

10.

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. - , 1958. - . 4.

11. - . :

, 2003. - . 347 - 360.

12. -

. - 2005. - 4. - . 25. //

13. -

. - , 1962.

14. : -

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15. -

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16. // -

. - 2007. - 4. - . 19.

17. : / -

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: „ ”, 1998. - . 282 - 296;

18. -

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- . - 2004. - . 11,

. - 5. - . 78.

19. -

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. - , 1974. - . 4.

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: - . : , 1988. -

. 21.

1. ” 25 1991 ., 1251 -XII // -

. - 1991. - 39. -

. 510.

2. 2008 ” -

” 28 -

2007 . 107-VI // i . . .

04.01.2008 - 1. -

3. -

1. - ., 1981. //

4. - - 39.

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5. // -

. - 2004. - 9. - . 48.

6. (-) // :

. - 1997. - 8. - . 37.

7. : -

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, 2003. - . 86.

8. (- -

): . - . : , 2006. -

.146-172;

9. : / . -

. : , 2005. - 591 . -

. , 1988. -

25 2007 .
« »

D.V. Kostya

**THE LEGAL-THEORETICAL PROBLEMS OF CONCRETIZATION
OF NATURAL RESOURCE PAYMENT LEGISLATION**

Summary

In the article the author investigates specificity of concretization's problem of the legislation in the field of paid nature management, determination of its maintenance, levels, mechanism, and role which it carries out within the limits of regulation of relations which arise at the payment's levy and collecting. The author offers the three-stage scheme of paying regulation with active use of contractual mechanisms of the payment establishment for natural resources using.

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© 2007 . . .

Fragmented text containing various symbols, parentheses, and a reference [1, .168-180].

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[Faint, illegible text with scattered punctuation marks]

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[5, .123].

19 2007
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A.Boyko

**SOCIO-PSYCHOLOGICAL PREMISE OF ECONOMIC CRIME IN UKRAINE
DURING THE PERIOD OF TRANSITION TO MARKET ECONOMY**

Summary

The nature of the functioning of the soviet psychological system of social society and its influence on the complex social processes during the pre-transitional period is analyzed in the article. The author concentrates close attention on those socio psychological factors which had prolonged impact on the transitional period and have occupied their own niche in the structure of the determination of economic crime of the transformational period to market economy in Ukraine.

[7, .94].

[9, .101].

» [10, .643].

[8, .31-32].

(. . .).

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» (. 2 . 1),

: 1)

(. . 17, 31); 2)

(. . 36, 38, 39, 41, 42, 43

); 3)

44-46); 4)

(. 1), 2), 8), 9)

. 1 . 66 , . 1 . 69); 5)

(. . 75-81); 6)

97, 104, 105, 107); 6)

.2 .111, .2 .114, .3 .175, .4 .212, .4 .212-1, .2 .255, .5 .258, .6 .260, .3 .263, .4 .289, .4 .307, .4 .309, .4 .311, .3 .369, .4 .401

[12, .50-51].

[13, .18].

[11, .65-66].

(.45) « (' .33 , .1) , »(.4 .212) .

(.1 .44) .

(.17) .

[14, .115].

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« » [17, .181].

« »

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[18, .136].

[15, .268-269].

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[19, .77].

(.36),

(.38),

(.1 .3 .97).

(.43)

«

[21, .95].

» [20, .36].

[22, .76-77].

45, 46), (. . [23, .115].

(. .289), (.2 .81).

(.3 .263)

1. . . , 2004. – 296 .
2. / . . . , 1982. – 304 .
3. . . 2006. – 704 .
4. . . : . . . , 2004. – 348 .
5. . . : . . . , 2003. – 198 .
6. . . : . . . , 2003. – 250 .
7. . . // . – 1977. – 2. – .91-96

8.	17.
9.	18.
10.	19.
11.	20.
12.	21.
13.	22.
14.	23.
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P.V. Khryapinskiy

A METHOD OF ENCOURAGEMENT IN THE CRIMINAL LEGISLATION OF UKRAINE

Summary

The author touches upon the questions, concerning the method of encouragement which is the system of ways, methods and means directed on stimulation to socially -useful, lawful behavior of the person, by exception or clearing of the criminal liability, to clearing of the appointed punishment, its serving or mitigation, prescheduled removal of a previous conviction with the purpose of performance of aims of the criminal legislation, established by criminal rules of law

[2].

[5], [10], [3, 4].

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, 15% - ; 22%
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» [5, .59].
[15, .22].
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Fragmented text with various symbols like apostrophes, dashes, and dots. Includes phrases like " [13, .36].", " [16, .94].", ".8].", " [7,", and " " " " " " "

11. – .118-122. // . – 1998. -

7. . . .

(,). , , . - ., 1992. – 135 .

8. „ „

// . - 2003.-

12. – .97-101.

9. . . . -

[8, .67]. . - ., 1972.- 75 .

10. . - ? //

. - 1994. – 11 – .17-22.

1. . - 11. . „ . . -

- 2001. - 416 . // . - 1994. - 4. - .2-6.

2. - 12. . . . -

. 3- „ - . - ∴ ., 2001. – 248 .

. / . . . , 13. . . . -

∴ ., 2003. – 1056 . ∴ . . - 6- .

3. . . - : , 2002.- 270 .

2004. – 296 . 14. . -

4. . . , - // . - 2005. -

. - ., 1991. – 2. – .52-55.

360 . 15. . . . -

5. . „ . . - : . - ., 2000. – 704 .

- ., 1979. – 80 . 16. . . . -

6. . , 1970. – 104 .

21 2007 .
« »

L.V. Husar

REALIZATION OF RIGHT IS ON A NECESSARY DEFENSIVE

Summary

In this article the author attempts to analyze the social and legal nature the institute of necessary defense. The place of law on necessary defense in the structure of common legal statute of person was also investigated in this article.

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1992 . . 26

[3, c.119-472].

. 3 . 28

[2, c.7-

[4, c.14-21].

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L.V. Dergach

THE CONCEPT OF THE ORGANIZED CRIMINAL GROUP WHICH PERFORMS WRING

Summary

The organized crime, as well as criminality in general, is the difficult social phenomenon, that is why no wonder that in the legislation of Ukraine and other states, and in international law acts there is not any clear and complete denotation of concept of the organized criminal group, which accomplishes wring that would represent its essence and at the same time would not cause any contradictions and questions. Nowadays it is very important to create effective procedures of counteraction the organized crime, it is impossible without the exact understanding of concept of the organized crime and forms of its display.

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