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Naukovy Visnyk Chernivetskoho Universitetu: Zbirnyk Naukovykh Prats. Vyp. 55: Jurisprudence. - Chernivtsi, 1999. – 104 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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 ”.[3,c.12]-
 jus gentium,
 , jus honorarum.

XI-XII

“ XIX ”

“ „ 1815-1831; “ 8- „ 1840-1849)

“ „ 4- „ 1852-1865).

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XVII-XIX c . () - ’

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[1, c.342].

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c.90].
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1. ...
... 1916. – 704 .
2. ...
... 1979. – 207 .
3. Ehrlich . Grundlegung der Soziologie des Rechts. 4
Aufl. – Berlin: Duncker & Humblot, 1989. - 439 s.

18.01.1999 .

Kozlovskiy A.A.

Social historical constants of legal knowledge

Summary

Dynamics of knowledge processes in law are caused by social factors, which work directly or non -directly depending on a degree of Heoreficol development of the jurisprudence.

“... ” [4, . 35].

“... ” [6, . 32].

“... ” [1, . 165].

[3, . 283].

[9, . 546].

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[8, . 136].

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3. . . . , 1883.- 363 .

4. . . . : 1996.- 207 .

5. . . . : , 1894.- 224 .

6. . . . , 1893.- 672 .

7. . . . , 1995.

8. . . . : , 1996.- 333 .

9. . . .

10. . . . (325-787).- , 1974.- 320 .

12.01.1999 .

Misevych S.V.

Specific features of sources of Canon Law of Orthodox Church as the theoretical -legal problem

Summary

The article is devoted to the concept and forms of sources of Canon Law. Formal and material sources of Canon Law are considered.

c.26].

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, - " [3, c.316].

" [6, c.146]. , , ,

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3. : , 1995.

4. « - ?» , 1971.)- :

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6. : , 1996. /

1. : , 1991. .6- .. :- :

22.01.1999 .

Lykholat I.P.

Some gnosiological and psychological peculiarities of law -making process

Summary

The article deals with gnosiological and psychological elements of law -making process.

(Hofkriegsrath) (Städteordnung)

1885

3-

V (“ ”) [14, s. 62-67, 92-94].

§ 1

1774

290 — 125,

— 76, — 72 [9, c. 21-22].

§ 3

(1783

594 ’).

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§ 4

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4-

[16, s. 101].

§ 5.

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6 1781

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[17, s. 3].

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(1499

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[20, s.

218].

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[3, c. 64-65].

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§§ 12-13 .26 1786 8

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[5, c. 90]. 109 -

(1787-1794), § 12 -

(1794-1795), (1796-1800, 1802-1811), (1800-1802), (1817-1832). -

(1811-1817), 5 (1817-1832). -

33 , 26 - 21 —

(19- - 1896 . -

12- (, , , , -

12 - , , , ,) [11, s. 99]. -

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[17, s. 4]. (-

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” (§ 38) [15, s. 16-17]. -

[7, c. 55-56]. , , -

1822 () “ -

” 12, -

“ 4 -

1722 [16, s. 119]. , , -

1829-1832 (§ 45) [15, s. 20]. -

29 1829 2 , -

1832 5 , -

[16, c. 109; 2, . 39, . 1, (, -

. 1]. (1832-1848). -

(1848-1856), (§§ 79-80) [15, s. 32]. -

(1856-1859), (1859-1861), § 57 -

(1861-1864) [20, s. 224]. 1832 “ , -

1855 ; , -

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58-68) [15, s. 23-29]. (§§ 55, -

8 1864 - 7 . 1887 5. -

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 (5) () , , -
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 [19, s. 63-78]. (§§ 19-20) [15, s. 8-9].
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 613), 5 , 4 ,
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 — 119, — 31, - , 2 , 2 -
 — 37, - 30. , 1 , 1 -
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 1905, 13 ; 19, s. 65]. (, -
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 1864 s. 118], 4-) [16,
 , - (§ 47) [15, s.
 21]. 1893 , , - , 4-
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 3 — (Gemeinderäte), 3-
 [15, s. 6]. , , , , -
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 2200 [8, 1990, 31]. , , , -
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 (§§ 16-17) [15, s. 8-9]. -
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79-94]. 1914 5 () , . -
[12, 133; 2 . 39, . 1, . 1]. -
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(1903 - 1033484), -
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(273754) , -
(100685) ,) [10, 1995. - . 45]. 11 -
, (252565) , “ ” (.) .
(318418) . 18821 -
[19, s. 65]. -
4 , “ -
— 2 (§§ , ... (, -
41, 42, 49) [13, s. 19, 21]. -
(§ 44). — (-
), , ” [4, c. 22]. -
(§ 45) [13, s. 20]. “ ” —
(§§ 98-106). -
(§§ 82-83). -
1864 : -
(1864-1866), -
(1866-1874, 1887-1905), -
(1879-1880), (1881-1887), -
(1905-1907), 1. . -
(1907-1913) (1913-1914). 2. . -
(3. -
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14.01.1999 .

Nykyforak M.V.

From the history of Chernivtsi magistrate

Summary

The main stages of city self-government in Bukovina in 1775-1918 are analyzed in the article.

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[1, .17].

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([15, .105-106; 14, .316].)

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1 . [15, .106-190].

[15, .109].

“ [11, .166], -

[13, .55].

1993

[15, .114].

(.68

(.73),

(.84), (.93), (.18).

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[7, .28].

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” [8, .615].

[12, .113, 114].

[15, .111].

10 — 200

(.87.2) [5, .467].

(.51) [9, .495].

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[17, .70, 71].

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...”[6, .14].

[15, .115].

“ ”: — . .“ ”; ().

1952 .

[3, .46-47].

.123 :“

[15, .131-133]

”[4, .114].

(6).

“ ” (—),

(” ; .4“

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23.01.1999 .

Georgitsa A.Z.

Interaction between parliaments and heads of states: experience of other countries

Summary

The content and forms of interaction between parliaments and heads of states in different world countries are considered in the article.

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29.01.1999 .

Dzhurynsky O.O.

Convention on International Railway Traffic: history and perspectives

Summary

The basic thesis of Convention on International Railway Traffic are considered, proposals about Ukraine adherence to it are brought up.

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54; 12, .64-66; 15, .467, 527; 16, .3-4].

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()” [14, c.6]. (, -

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1. [.: 12, .66; 14, .20; 3, .170-172; 15, .527; 5, .7, 90].

(). [.6, .58].

2.

3. [13, .493; 8, .561].

- 549 (. .548 .50,170-172; 12, .66; 9, .72; 4, .223-229).

4. .423 (.538) [14, .143].

(.) [14, .143-144].

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[. 12, .66, 155 .].

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[. 13, . 493].

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” [14, c.142].

[3, . 49-50]. “

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[12, . 64-65].

[3, . 52].

[. : 11, . 9-12, 54-56 .; 10, . 2-8].

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trator),

(adminis-
trator), .1-2 .556,554

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 (.1 .524) . 24 1983 . 4 -
 , // , 1995.- .119-125. -
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 " - - , 1996.- 2 (4). -
 - - , 3. " " , 1955.- 264 . -
 " [14, .37]. 4. " " , 1994.- 592 . -
 () - , 5. " " , 1926.-122 . -
 , , 6. " " , 1967.- 119 . -
 , 7. : .-3- .- : -
 () , 1993.- 560 . -
 () 8. " " , 1996.-704 . -
). 9. " " , 1957.-136 . -
 , , 10. " " , 1900.- 105 . -
 , - 11. " " , (: -
 , , 0),1871.- 363 . -
 (, .535 12. " " , 1997.- 567 . -
). 13. " " , 1996.- 552 . -
 : , 14. " " , (: -
 (.538 , .1, , 1962.- 164 . -
 .1478) 15. " " , 1995.- 556 . -

27.01.1999 .

Shevchuk L.V.

Inheritance by testament as the peculiar type of succession in Civil Law

Summary

In the article it is given the essence of law succession for inheritance on testament as the universal and singular law succession which is fulfilled in order defined according to the testator's will.

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[5, . 49-50].

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[4, . 191].				3.		“ ”	7
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2)		,				. 2. -	. 189-212.
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				7	1991	/	.
3)			;			. 1. -	. 191-200.
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4)			,			. 1. -	. 310-332.
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				1, -	. 49-50.		
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-	:	, 1996.		1996	//	.	- 1996. - 469 .

1.02.1999 .

Patsurkivsky U.P.

Legal status of collective subjects of business activity

Summary

The norms about status of enterprises and business associations are analyzed in the article.

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 , “ ” [10, .67].
 .26], 106 .[5, - ,
 » 300 [7, .64]. , ,
 « », : - , « » -
 [1016 -1054 . .], (1068 .) (”[7, .67-68].
 1113). -
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 ,[4, .56]. . 10 ,
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 (.23-27): “ (1),
 , (., .2, 3, 4, 5, 6, 7), (.9), -
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.”[10, .78]. “ ”,
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30 ,
1497 . [17, .44]
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[11, .51-52].
, 1529, 1566, 1588 . .
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“ ” () . “ ”, [7, .140].
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(**8-11**)
“ ” (**27-39**) [3, .124].
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(21 1654 .),
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”.[10, .67]. 1710 .
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.294,
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[1, .38-39]，

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[12, .294]，

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162] .

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[12, .294].

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1840-1842 . .

[7, .289]， :

[5, .104].

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1743 [9, .348-397].

1807 . [15, .111-

515

[16, .147].

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. 164 -

[5, .120].

1811 . , - , “ ”

1918), (1772 , -

“ ”, .1293 , , -

“ ”, [1, .11-12]. “ ”

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.1323 , .1326 -

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[18, .357-361].

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“ ”, . 644 684

7 “ ”, . 667-670 [13, .150], “ ”, “ ”, “ ”

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[1, .40]. , . 574

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 [6].
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 [1, .41, 72].
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 [19, .402]. ; , [2].
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 [20, .69]. - “ , 517, 520 522
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 .2 .1655
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 [1, .67-68].

	8.	. // -
	-	, 1916.
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3.		, 1993. -192 .
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4.		, 1993. - . 111-162.
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	2	, 1968. -170 .
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1996.-296 .	18.	
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7.		(. . 1907 .). - .
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662 .	20.	-
		. - ., 1997. -
	.69.	

28.01.1999 .

Gryshhuk O.

The formation of human right for compensation for moral losses (XI-XX cent.)

Summary

The evolution of human right for compensation for moral losses in XIX -beg. XX centuries are traced on the basement of multiple origins of law.

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 [4, .56]. : “
 ” [5, .371].
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 - (.99),
 . , , [8, .140] [19, .298]. (.2 .143,
 .235; 9, .10].
 [15, .30]. , , (-
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 (,) , ,).
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 - [18, .81].
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[11, .12]. - (.131)
, - (.128)
[12, .161]. , -
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146 , -
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[12, .117-118]. -
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(.136), -
(. .137, 138). -
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139 . -
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(.132).

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[2, .19].

[13, .181; 14, .178].

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[10, .114; 20, .134].

[17, .197]

[7, .159].

.140].

[20,

- 1) . - .:
- 2) , 1996. 21
- 3) 1993 .“ ” ()
// . - 1993. -
13. - .113.
- 4) // . - 1987. -
20. - .18-20.
- 5) . - ., 1965.
- 6) . - ., 1982.
- 7) .1. - .: - , 1913.
- 8) . - ., 1968. - .298-316.
- 9) / . - .: -
1998.
- 10) . - ., 1972.
- 11) . - ., 1969.
- 12) . - ., 1979.
- 13) . - ., 1964.
- 14) . - ., 1954.
- 15) . - ., 1979.
- 16) . - ., 1974.

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- 16) . . . , 1985. 19) . . . , 1994.
- 17) C . . . 11 . . . : 20) . . . , 1972. - 3. 1997.
- 18) . . . : , 1992. / 21) . . . , 1987.

12.01.1999 .

Getmantsev O.V.

The legal actions of defence of the defendant against suing in civil proceeding

Summary

The characteristics of the legal actions of defence of the defendant against suing in civil legal proceedings have been given in this article. The counter claim and objection are the forms of realization by the defendant his right for judicial defence of his rights and freedoms.

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[7, .467].

[3, .89].

[3, .89].

[10, .123].

[6, .80].

[4, .86].

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 [2, .11]. , , -
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 .9 , , - [1, .23].
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 .3 “ ” , , -
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 [2, .59].
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 .24]. , , -
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 [5, .39]. : -
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[9, .38-39].

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1. .. , 1997. - 682 .
2. .. , 1998. — 263 .
3. .. 3 .
1: / .. , 1996. — 573 .
4. ..
1997. - 12. — . 85-86.
5. ..

[6, .85].

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6. .. , 1998. — 10. — . 37-43.
// .. , 1995. - 3. -
. 76-85.
7. / .. , 1998. — 600 .

8.	:	/	10.	-
	. —	, 1996. — 448		1998. - 3. — . 122 - 127.	//
9.	1:			-
	, 1913. - 422 .				

2.02.1999 .

Vyshnovetska S.V.

Relations of non-independent labor as the subject of Labor Law

Summary

The nature of non-independent labor relations is defined, its belonging to the subject of Labor Law is substantiated.

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[10, . 312].

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[8,

.52].

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 [11, .149].

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				.-1994.- 9.- .58.	
			6.	3	1998
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				.-1998.- 34.- .227.	
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				.-1991.- 14.- .171.	
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				, 1978.	
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2.			10.		
				, 1996, .31.2.	
1995.			11.	/	
3.				.- .1972.	
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1993.-			12.		10.06.1997
36:				“	
.361.				” //	
4.				’ ”. 1997 - 14	
- 1994.-				10.- .45.	

25.01.1999 .

Kostyuk V.L.

Limits operation acts about labour

Summary

Acts, whit regulates labor relations, can be limited in action by time, spase and subjekts. It begin to act being adopted by competent agency and published. Its action ends, if it were abolished or cancelled.

7-8 . - , -

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. [1 c.1-4]

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. [6 c.20-21]

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, 25 , 83 , 470
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[5 c.8]
[8 c.17-20]
0,5
[4 c.3-6]
115 , 15 14
1999. 55. 69
[11 c.53-55]
[7 c.31-32]

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[10 c.16-17] - 4. ' „ . // -

- -1995.- 3.- .6. 5. ' „ . -

- ! ...: []

- // .-1997.-11 .- .8. 6. . : -

- -1998.- 7.- .20-21. 7. . // -

-1997.- 23.- .31-32. 8. . . ?

1. - // .1992.- 3.- .17-23. 9. . . -

// ' .-1998.- .- .1-4. : .- .: , 1991.-230 .

2. “ 29 10. „ . -

1994 // .-1994.-9 .- .3. : // -

3. .-1998.- 16.- .16-17. 11. . . -

“ ” 20 1995 . // // .-1994.- 12.- .53-55. .

' .-1995.-24 .- .3.

4.02.1999 .

Bodnaruk M.I.

To the question about juridical nature of social insurance in Ukraine

Summary

Juridical essence and the peculiarities of social insurance under the conditions of introducing changes into the system of social security are the object of study in the article.

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c.134].
[6,
- » [12; .193].
[7, c.77].
« ' »
» [5; c.187].
[1, . . . [11; c.43].
67,92].
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(,)
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1. « (4 3 2. »)

2.

3. [1, .67]. (5 3 »). « »:«

4. [9; .101].

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7. (...)

8. [11; .342].

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[3; .53,55].

19.01.1999 .

Gavryliuk R.O.

Constitutional legal principles of the taxation of the subjects of fiscal legal relations

Summary

The attempt to define and to classify the constitutional principles of the taxation of the subjects of fiscal legal relations on the basis of the new Constitution of Ukraine is made in the article.

“ [7, .30-46] ” [6, ()],
.17].

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