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Romanus ()
solum provinciale (),

populus

nulle terre sans seigneur ()

1660 ..

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17- 18-

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Quae sit longa consuetudo (),
 1, 3, 36.
 17- 18-
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iura condere ().
ius civile (),
ius sacrum ((1.8.,52)),
ius publicum (),
proconsulis (*De officio*).
 (. 36, 27),
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ius civile (). *Ius* ;
testamentum per aes et libram (... *quo ure civitas retro in eius modi casibus us a fuisset* ()
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constitutio Antonina ()

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17- 18-

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[9, .19].

[14, .110].

[8, .136-137].

[4, .207].

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[7, .414].

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[10, .73-74].

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[7, .415].

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1. 28.06.1996 .// - 1996, 30. , 1994. - 319 c.

- . 141.

14. : / , 2000. - 300 .

2. 10.12.1948 .// CD - / 15. L.A. Hart, “The Ascription of Responsibility and Rights”, in *Proceeding of the aristotelian Society, 1948, p. 171-194.*

24.03.2003/ (013) NAU 8.3.2.1.

17 2006 .
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S.B. Bodnar

EQUALITY IN RIGHT – EQUITABLE INEQUALITY

Summary

In given article author defends inefficacy of the principle formally -legal equality in condition existing legal reality and points to reasons of the origin to this situations and importance its emergency d ecision. On base of the complex analysis last philosophical -legal developments as foreign, so and domestic scientist on given question is shown dialectics of the contents of the principle equality in right, depending on speakers public-legal relations. Also attempt of the determination of the modern contents legal equality is realized.

” [6, . 7].

) ” [15, c. 176-177].

” [12, c. 317].

[14, c. 5].

354-403; 15, . 176-245; 19, . 13-37].

” [1, . 401].

“ ” [5, c. 425 -
433].

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“ ”
[20, c. 234-235].

[10, . 40; 20, . 71].

[20, c. 88].

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[15, c. 28].

” [13, c. 202].

” [12, c. 292].

[20, . 88-89].

[11, c. 150].

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2. . . . , 1999.
3. . . . - . , 1971.
4. . . . //
5. 2003. - . 111-115.
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7. . . . , 1999.
8. (. . .); : 12.00.01 / . - . , 2001.
9. . . . /
10. 2000. . . . : . . . , 2003. - .
11. . . . //
12. . . . : . . . , 2004.
13. . . . : . . . , 1999.
14. . . . /
15. . . . , 2002.
16. . . . : . . . , 2002.
17. . . . //
18. . . . /
19. . . . : . . . , 2001. - . 49. - . 195-204.

14. ... - 18. ...
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22 2006
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V.O. Vasylchuk

**AXIOLOGICAL SUBSTANCE
 OF THE CATEGORY OF „JUSTICE” IN LAW**

Summary

Axiological content of the category of justice consist of valuable and unvaluable characteristics. Val u-able characteristics of justice define this category as a legal value and as a component of valuable nature of law. Justice is the most important legal value , which determine substance of law as a social value. Unval u-able characteristics of justice are an inseparable elements of its axiological content. Unvaluable characteri s-tics of justice define contradictions between justice and legal expediency, justice an d effectiveness of law, justice and legal stability.

” [25, . 303].

1. (). - :
- , 1985. - 120 .
2. //
2003. - . 111-115.
3. /
- - . : , 1997. -
320 .
4. “
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- [26, . 246].
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- , 1999. - 295 .
8. . . . , -
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- , 1972. - . 33-57.
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- , 1997. - 512 .
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	7 2006 .		
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O.P. Donchenko

FREEDOM AS CONDITION OF CRIMINAL RESPONSIBILITY

Summary

The choice between good and evil, law and non-law are ever – lasting problems of human existence. The choice is as free as freedom can be considered to be the condition of the responsibility and a person – to be a creator of his or her own life. The responsibility as philosophical-law category fixes the ripeness of person’s freedom in choice the ways which get him values and aims, in understanding consequences his actions not only for himself but for others. The responsibility is the inalienable feature of freedom, and the guilt is one of the expressions of responsibility. No guilt – no crime. In case of absence of free choice the individual loses his humane essence. The genuine person doesn’t exist without freedom, but real freedom has limits – it’s responsible.

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[9, . 308–309].

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[10, . 13].

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[11, . 61].

[17], [11], [12], [22], [23], [26], [35].

[25] [9],

[16], [21], [27], [28], [18] . 180. [20], [35].

[13, . 104].

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 [31, . 44-45]. 8. : -
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 1985. - 192 . : , 1985. - 112 .
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 // http: //www . lawyer.org.ua 1960. - 1. - . 114-119.
 25. . . - 33. . . -
 . - :: , 1955. - 800 . . - :: , 1992. - 232 .
 26. . ,, . . - 34. . . -
 . - :: . ,, 1971. - 240 . . -
 27. . . - : - , 1970. - 144 .
 . - :: , 1989. - 190 . 35. http: // www. prison. org / English / ar t-
 state. htm.

14 2006 .
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O.D. Maksymiuk

**THE PRINCIPLE OF INEVITABILITY OF LEGAL RESPONSIBILITY
(THE HISTORICAL-PHILOSOPHICAL ASPECTS)**

Summary

The main social-historical periods of the formation of the principle of inevitability of legal responsibility are analyzed in the article (the early period which was beginning at the time of usage of the principle of talion; the classical period which was characterized why the sort firstly said by the Becarria about the inevitability of punishment; the development of the construction of the principle of legal responsibility during the soviet time; the last on period is the formation and functioning of the principle of inevitability after the proclamation of independence of Ukraine and at the present time.

[9, .10].

Official”,

[12, .142].

[2, .15 .7]

[25, .4].

[3,

.8.3.3].

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[3, .8.3.2].

“Journal Officiel”.

[12, .142].

22% [24, .395].

[2, .15 .5].

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26 1984 [23, .97].

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[14, .544].

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[16, .54].

20 [14, .321].

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12.09.2002 //			13. -
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3.	“	- - .:, 2002. -98 .	.
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4.	“	2001. -824 .	.
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		. -1996. - 49. - .272.	.
5.	“	- . - .: , 1972. -264 .	.
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	”	20.03.2002 .//	- - .: - , 1991. -624 .
		. -2002. - 2. - .6- 9.	-
6.	“	. - .: , 2004.	.
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- . 17- 21.			. - .: , 2003. -732 .
7.	“	19.05.1999 . //	19. -
		. -1999. - 20. - .283.	20. -
8.	“	. -1999. - 20. - .283.	. - .: , 1973. -127 .
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5.03.2003 . //			22. :
. -2003. - 1. - .35- 41.			6 . - .2: - / -
9.	“		.: , 1999. - 744 .
	”	14.10.2003 //	- 23. Balland Ph., Messenger D., La s ances est
		. -2003. - 5. - .5-10.	- ouverte. Les coulisses de l’Assembl e nationale. -
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			24. Duveger M. Le syst me politique
			francaise. -Paris, 1985. -689 p.
567 .			25. Tribondeau J.-Fr. A propos des questions
11.			crites. Colloque de L’Association francaise de science
			politique et de pouvoirs. -L’Assembl’ee Nationale
			aujourd’hui/ 21-22 nov.. -Paris. -1985.-345 p.
12.			.

29 2006 .
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O.D. Chepel

**FEATURES OF DEPUTY INQUIRY IN UKRAINE AND FOREIGN COUNTRIES
THE RATHER-LEGAL ANALYSIS
Summary**

In article it is investigated a legal problem of deputy inquiry in Ukraine and foreign countries on the basis of a rather - legal method. The deputy inquiry is the requirement of the deputy to the state bodies off i cially to answer a question. The deputy manipulation is the offer of the deputy to the state bodies to execute some actions to explain questions of their competence.

[8]

[7, . 301].
1996 .

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[9, . 16].

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7.		, 1993, 27, .284.	20.	” 08. 12. 2004 . 2222 -
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8.		28. 06. 1996 .//	22.	” 15. 12. 1999 .
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9.		. 14-17.	24.	” 18. 02. 2002 .
10.	“	-	25.	“
588/2006 //	“	27. 06. 2006 .	26.	” 06. 12. 2001 . 1195/2001 //
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269/2002,	”	19. 03. 2002 .	29.	”
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22.	“	, 2002, 12, .560.	31.	” 06. 02. 2003 . 84/2003 //
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	“	”	98.	“
	“	”	99.	“
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O.P.Vasilchenko

LEGAL ACTS OF THE UKRAINIAN PRESIDENT AS THE SOURCE OF THE UKRAINIAN CONSTITUTION LAW

Summary

The author analyzes problems of legal regulation of the acts of the Ukrainian President as the source of Ukrainian constitution law.

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(Wach), (Engelmann),
(Canstein), (Bulow), (Kohler),
(Planch), (Schwalbach)

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[6, .24].

” [7, .82-83].

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[7, .85].

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[3, .7; 5, .72].

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» [7, .85].

[7, .81].

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(Canstein R.F.), (Schultze),
(Schwaltach), (Wach a.),
(Drechsler), (Kohler J.), (Planch
I.W)

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[7, .81-82].

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[7, .91-

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3. ... 2002. - 28-31.

4. ... 1907. - 326.

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6. ... 1874.

7. ... 1902-37.

8. ... 1883. - 22.

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29 2006
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O.V.Getmansev

RESEARCHES OF GERMAN AND AUSTRIAN SCIENTISTS IN REMEDIAL LAW AND THEIR IMPACT ON DEVELOPMENT OF THE SCIENCE OF CIVIL REMEDIAL LAW IN RUSSIA IN XIX CENTURY

Summary

In this article the scientific views of German and Austrian scientists in remedial law on the question about the essence of civil legal proceeding and their impact on formation and development of the science of civil remedial law in Russia in XIX century are analysed.

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(inter partes)

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[1, S. 70, 71],

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” (2004 .) [6],
[1, S. 97-101] ,

(sui generis),

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law», «lex mercatoria», «

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 " [14, c.135].
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 [17]
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 [4], . . .
 [7], . . . [20], . . .
 [24], . . . [32]
 [22, c.10].
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 " [17, c.5] .
 [26, c.8].
 [9].
 [12], . . . [3],
 [30], . . . [34] [28],
 [12, c.63].

[22, c.3].

” [11, c.129].

[19, c.121-131, 340-345]

(

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c.20-24; 31, c.14-15].

[6, c.210-218],

[22, 205c.]

[16, [10, c.153].

” [33, c.83].

[29, c.47].

[8, c.42].

[33, c.38].

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[35, c.263].

c.260].

” [8,

”[23, c.300].

.3 .13

.7 .41

(.12).

[1, .41].

.319

” [9, c.18].

[12, c.64-65].

” [21, c.119].

” [13, c.171].

.2 .13

” 5 .319

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[15, c.17].
c.14-32]. [25,
[2, .355].
[18, c.235].
[5, c.88].
[12, c.27].
[27, c.4].

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 [7, .85, 86]. .52]. - [1,
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 , [5, .5]. - [1,
 , .58, 59]. -
 [14, .65]. ,
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 [7, .86, 87]. - ”...
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 8. ... 1969. ... 1974.
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 9. ... 1962.
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 10. ... - - 16. ... ,, 1966.
 1984. ... 17. ... - ,,
 11. ... : 1976.
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.L.Paskar

**THEORETICAL ASPECTS OF THE DEFINITION THE FORM OF CIVIL
 PROCEDURAL LAW RELATIONSHIPS**

Summary

In the article author studies and makes system of theoretical aspects in order to define the form of civil procedural law relationships. Its form is a special procedural law form which is situated in a procedural legislative acts.

“ ” 16 1991 . [6, .19-20].

1992-1993 “ ”

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1990-1992 .. “ : 1)

1993 (10 ; 2)

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[7, .21]. “ ” 1994 .

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7 1996 . “ ”

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50%

(”) [31, .167, 169].
 [10, .9].
 [14, .37-39].
 [16, .101].
 [11, .27].
 [3, .108],
 [3, .110],
 [3, .111].
 ” ”
 [6, .1 .26].
 [7, .4, .11].
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 [27, .102].

[12, . 12].

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” ” („ ”), [8, .111].

” (. interest, intersum)

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1. ’

[15, . 219],

[14, .116].
 2. ()

[13, .477].
 3. “ ”

[9, .146].

[6, .530].

() ;

[16, .246].

[10, .655].

[3, .194].

[1, .167].

[5, .86].

[7, .29].

[11, .61].

[4, . 36].

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[2, . 23].

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. . *Grygorash*

THE GUARANTEES OF SUBJECT'S RIGHTS AND LEGAL INTERESTS AS STRUCTURAL ELEMENTS OF ADMINISTRATIVE LEGAL STATUS OF PERSON

Summary

The guarantees of the rights and legal interests of the person are necessary structural elements of his/her legal status. These categories are used in all legal sciences during last years.

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 , , , , - [7, . 121]. -
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 , , , , - ; 3) -
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 , , , , - ; 5) -
 , , , , - ; 6) - " [3, . 246]. -
 () ; 7) - "
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 , , , , - [9, . 62]. -
 : 1) -
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 [6, . 186]. . . - , -
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 [13, .
 119); -
 [4, . 157-158]. " : "1)
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 " [13, 115].
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 [1, . 55 -
 56].
 [11, . 150, 2, . 59 - 61].
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 (1) -
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 [13, . 115]), (; 2) ;
 (1) ; 2)) [5, . 168 - 169]. ;
 3) ; 4) ;
 ; 5)

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	, 1976. - 366 .	
	6.	, 2000. - 464 .
	7.	, 2000. - 288 .
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(; 2)	9.	, 2001. - 576 .
; 3)	10.	, 1973. - 846 .
; 4)	11.	, 2001. - 516 . (. , -
; 5)	12.	” ” ”
6)	13.	, 1981. – 1600 .
; 8)		
9)		
; 10)		
; 12)	2005. – 212 .	
	14.	, 1999. – 496 .
	15.	
	16	2003 .
1.	435-IV. //	
A.M. - .:	2003 ., N 40- 44, . 356.123.	
2.	16.	16 2003 . 436. //
, (. . .) . - :	. 14 2003 . - 49-50.	
, 1995. – 480 .	17.	
3.		
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, 2005. - 378 .		
4.	21.01.2004 . 22.	
: - , 2000. - 512 :	29	2004 .
	377/8976.	
	5	2006 .
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N.M.Kovalko

PRINCIPLES OF THE NON-CASH SETTLEMENTS AND THEIR LEGISLATIVE BINDING
Summary

In the article the questions of classification of principles of the non-cash settlements and their delimitation with principles of the money circulation are considered, the problem questions of their explanation in scientific sources both legal regulation and legislative binding are analyzed.

[15, c.26], . . .

[18, c.109], . . .

[11, c.189].

[12, c.80], . . .

[13, c.127], . . .

[19].

[8, c.69], . . .

[15, c.26].

[18, c.109].

2. .2.1.1.) [1, .233].

(.2. .2.1.2),

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() [6], . 24 „

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[15, c.26].

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[15, c.27].

[10, c.22].

” 22 ” 2003

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183) [2, . 1.20.1]. (

” ”

[20, c.47].

[18, c.109].

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PUBLICATIONS, 1999.		//
8.		. – 2001. - 11. – . 26.
2001. – . 69.		16.
9.		., 1995. – . 192.
∴ , 1997. – . 33.		17.
10.		∴ - ∴ - ∴ -
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		18.
	//	. – 1997. -
12. – . 22.		
11.		//
	∴ «	. – 2003. - 12. - . 109.
		19.
12.		∴ - ∴ - ∴ -
∴ - . 80.	∴ , 2003.	2000. – 280 .
13.	/	20. Revenue Law. Principles and Practice.
	, 2003.	James Kirkbride and Abimbola A. Olowofoyeku.
14.	/	Published in GB by Tudor Business Publishing Ltd.,
		1998. – P. 47.
2000. – . 241.		
	27	2006
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L.I. Vdovichena

PRINCIPLE OF ADEQUACY AT DEFINITION OF THE STATUS TAX RESIDENT OF PHYSICAL PERSONS

Summary

Definition of a principle of a residence has big values for the state and the tax bearers. The principle of adequacy allows solving a problem of the international double taxati on by an establishment of priority crit e- rions at definition of the physical person by the resident and the non -resident. Such criteria as constant resi- dence, the center of vital interests, usual residing, behind the application of the person, behind the ag reement between tax bodies of two states are used for distribution of tax jurisdiction of the state.

1. ... 2003. - 23 .

3. ... 1964. - 18 .

4. ... /

1. ... 3- , 1995. - 209 .

2. ... 1910. - 144 .

5. ... 3- ... 1975. - 439 .

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V.M. Vazhynskyi

PROVING OBJECT IN THE CRIMINAL PROCESS

Summary

In the article the author under the proving object understands the abstract scientific concept about the information model of circumstances of the investigated event stipulated by norms of the criminal procedure law, concretized by the criminal law, and in a number of cases - norms of other areas of law. Thus each circumstance in structure of the proving object is defined not as individual, but as the general category capable to cover all sides of separate event, which is investigated.

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[3, .536].

1864

[4, .233].

(.6).

[3, .536].

[1, .37].

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1.1.3

1.2.

1.3.

1.4.

1.5.

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1.7.

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2.1.

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2.2.

2.3.

2.4.

2.6.

2.7.

2.7.1.

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2.7.2.

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