

Law Review OF KYIV UNIVERSITY OF LAW

Ukrainian scientific and theoretical periodical

Founded
in October, 2001

2016/3

Published
4 times per year

Kyiv University of Law of the NAS of Ukraine
V.M.Koretskyi Institute of State and Law of the NAS of Ukraine

Editor-in-Chief

Yuryi Shemshuchenko

Editor-in-Chief deputy

Yuryi Boshytskyi

Editorial team

Olga Andriiko,
Oleksandr Batanov,
Volodymyr Horbatenko,
Oleksandr Kostenko,
Pavlo Kulinich,
Volodymyr Lutc',
Mykola Onishchuk,
Natalia Parkhomenko,
Kostiantyn Savchuk,
Igor Usenko,
Tetiana Khodakivska (*editor*),
Olena Chernetska

Editorial team foreign members

Rainer Arnold (Germany),
Bohuslav Banashek (Poland),
William E. Butler (the USA),
Arnold Warenwald (Germany),
András Torma (Hungary),
Adam Makharadze (Georgia),
Herbert Schambeck (Austria)

Recommended for publishing
by Kyiv University of Law
of the NAS of Ukraine
Academic Council
(protocol № 2, 01.11.2016)
and by V.M.Koretskyi Institute
of State and Law
of the NAS of Ukraine
Academic Council
(protocol № 10, 27.10.2016)

Subscription index
23994

ISSN 2219-5521

CONTENTS

<i>Boshytskyi Y. Armaş N. Development Strategy of Kyiv University of Law of National Academy of Sciences of Ukraine in the 2016/2017 academic year</i>	4
Outstanding Ukrainian Lawyers	
<i>Muzyka I. Mykhailo Grushevskiy – ideologist and founder of the Ukrainian state</i>	9
State and law theory and history. Philosophy of law	
<i>Zharovska I. Theory of state and law as a fundamental and philosophical discipline</i>	15
<i>Zanfirova T. The essence of the phenomenon of freedom through historical and legal analysis</i>	19
<i>Babiuk A. Civil law and legal awareness</i>	22
<i>Voloshchenko-Vislobokova O. Church and social purpose of rights</i>	25
<i>Hubar K. Some aspects of understanding the concept of “legal doctrine”</i>	28
<i>Ivanov V. Features of parliamentarianism in the Cossack state-formation</i>	33
<i>Linyk N. European Social Charter for protection of children rights</i>	38
<i>Mynkovych-Slobodyanyk O. The impact of legal and political conscience on the development of legal and political culture</i>	41
<i>Mikhnevich L. International Institute of Sociology and Law: untapped project for research institution</i>	45
<i>Samoilenko O. Features of pension provision of government employees in Ukraine during the period of Hetmanate</i>	49
<i>Gren' N. Problematic aspects of the legal regulation of the mediator status in the process of pre-trial mediation: comparative legal analysis</i>	52
<i>Kasharskiy F. The office of public prosecutor's supervises in the Russian empire's Ukrainian provinces (60–90 years of XIX century)</i>	56
<i>Zarichnyi O. The role of Institute of public participation in a democracy</i>	59
<i>Kravtsov I. Axiology in lawmaking</i>	64
<i>Pavliuk A. Representative-phenomenal conformity and correctness and/or reasonableness and efficacy of law</i>	68
<i>Tkachuk L. Guarantees of human rights and freedoms in Ukraine: general theoretical characterization</i>	73
<i>Udala Y. Separate issues of regulatory acts official publication influence on the level of citizens' legal culture and awareness</i>	77
Constitutional law and process in Ukraine	
<i>Vilchinska I. The main constitutional ideas of the Ukrainian dissident – representatives of the cultural-educational tendency</i>	82
<i>Gaeva N. Principles of interaction between state bodies and public associations: a theoretical aspect</i>	86
<i>Kolodii I., Kolodii A. History of Ukrainian constitutionalism: genesis and modern look</i>	91
<i>Korniienko P., Bolhov O. Ministry of Justice of Ukraine as an important subject of constitutional activity on law defense</i>	96

<i>Ortynska N.</i> Features of the minors' legal status in modern conditions of state development	100
<i>Sinkevych O.</i> The functions of Constitutional Law and other fields of law: comparative and law analys	105
<i>Surzhynskiyi M.</i> Citizenship in the context of cooperation between the state and civil society: a theoretical aspect	109
<i>Shapoval V.</i> Scientific sources of researching citizens' right on legal help in Ukraine	113
<i>Kharatyan T.</i> Nature and content of constitutional right to life: theoretical and legal aspects	117

State governing and administrative law issues. Financial law. Information law

<i>Kinaschuk L.</i> Comparative analysis of the audits and revision as methods of financial control	121
<i>Isateva N.</i> Legal issues of factoring contract and improving the taxation of factoring transactions in the banking sector	125
<i>Kamenska N.</i> Classification of administrative-legal norms of the mechanism of administrative-legal regulation of realization of a right to appeal to the public administration: a dynamic look to the problem	127
<i>Kororkih A.</i> Determining the amount of damage caused to a public official	131
<i>Kotyrla O., Stefanovskyi T.</i> Legal framework for budget control	135
<i>Legeza Y.</i> Public administration natural-resource potential of the state: the experience of Ukraine and foreign countries	139
<i>Moskalenko S.</i> State control in the field of civil aviation and its features	143
<i>Ochkurenko S.</i> Some aspects of application of the legislation for financial relations regulation	147
<i>Podolyaka S.</i> Research methodology prosecutors as subjects of administrative process	153
<i>Reznik O., Andriichenko N.</i> The specifics of administrative and legal status of the Security Service of Ukraine as a subject to protect financial system	156
<i>Kharchuk R.</i> Key actual problems of law-making bodies of executive power	160
<i>Volkova A.</i> The concept and content of the information activities of the government and local authorities	163
<i>Holutiak-Penkalska M.</i> Administrative cooperation between tax authorities of the Member States of the European Union in the field of value added tax	168
<i>Zavgorodnya L.</i> Some aspects of proceedings on cases of administrative offences related to corruption	172
<i>Iskizarov A.</i> Problems and ways of optimizing administrative and legal regulation of banking	176
<i>Shostakovskiy M.</i> Classification of principles of financial activities of the state	180

Civil, labor and company law issues in Ukraine

<i>Inshyn M.</i> Feasibility of using the contract form of employment contract in the regulation of service and employment with police	184
<i>Karmaza A.</i> Civilistic process theory and role in the context of security and protection of civil rights and interests of the citizens of Ukraine	188
<i>Bondar I.</i> About execution of judgement of eviction of the debtor	192
<i>Javadov H.</i> Signs rightly civil proceedings	194
<i>Kultenko O., Ruhalo Y.</i> Evolution of transplantation of organs and other anatomic materials of person	199
<i>Kukharyev A.</i> Legal grounds for the return of the escheated property to the heir	203
<i>Nadion V.</i> Measures operational impact, aimed at ending the violated rights of the reasons for failure or improper performance of duties contractual obligations	207
<i>Plenyuk M.</i> Some principles of law in the context of binding relationships	212
<i>Khomenko M.</i> Coercion to conclude a contract as a non-defined remedy of civil rights and interests protected by law	215
<i>Shkrebet D.</i> Jury trial in civil procedure	220
<i>Volynska A.</i> The state of scientific research of contract on providing detective services in Ukraine	225
<i>Grynyk L.</i> Grounds for the termination of the credit agreement	229
<i>Kondratova A.</i> Features of inheritance process of rights and obligations of legal entities	235
<i>Muliar M.</i> Experience of implementation of provisions of Directive 2008/48/EU into Italian and French legal systems and lessons for Ukraine: civil aspect	240
<i>Otsel V.</i> The legal nature of withdraw of a member from a limited liability company	245
<i>Spesivtsev D.</i> Legal facts in circulation of immovable property: construction features	249
<i>Strokach I.</i> Preparation of notarial proceedings	253
<i>Chekmarova L.</i> The insurance of professional activity of advocate	258

Intellectual property law issues

<i>Pashkov V., Olefir A.</i> Features of the legal regime of intellectual property protection in the pharmaceutical field	264
<i>Rassomakhina O.</i> Compliance with the public order, principles of humanity and morality as a condition of legal protection of trademarks	270
<i>Moroz V.</i> State (region) name as the object of the intellectual property law	275

Agricultural, land and environmental law

<i>Gafurova O.</i> Problems of legal regulation of personal peasant farms activity	280
<i>Bondarchuk N., Stuzhuk I.</i> Current issues of the establishment and operation of industrial parks in Ukraine	284
<i>Hryhorieva K.</i> Support for agricultural cooperation in Ukraine: legal issues	288
<i>Yevstigneyev A.</i> Proposals for legal regulation of preliminary assessment of environmental safety of special natural resources usage	292
<i>Kyshko-Yerli O.</i> Plots of land usage for performing state-private partnership in Ukraine	298
<i>Lushpaev S.</i> The normative-legal regulation of the relations in sphere on production of organic agricultural products	301
<i>Churilova T.</i> Regulation of the market of agricultural lands: Polish experience	304
<i>Sharaievska T.</i> Ecological and legal prerequisites for the formation of civil defence law of Ukraine and its principles	309
<i>Oleshchenko I.</i> Pressing problems of legal regulation of environmental standardization and certification in Ukraine	312
<i>Rodik O.</i> Legal soil protection in Ukraine: 25 years of development	318

Criminal law and criminology

<i>Yemelyanov V., Korostilenko A., Novikova L.</i> International legal norms as the basis for improving counterterrorist legislation	325
<i>Kernyakevych-Tanasychuk Y.</i> Periodization of formation and development of penal policy of Ukraine	329
<i>Klochko A.</i> Criminal legal protection of bank activity at national and international level	334

<i>Spasenko K.</i> Features of questioning in the investigation of violations of safety rules related to high risk	337
<i>Kochurina D.</i> Punishment for the crimes are committed by negligence: review the condition of problems	342
<i>Oliyynyk D.</i> Features of corruption in the customs area when moving goods across customs border	347
<i>Reznik Y.</i> The realization of humanity principle in sentencing (based on case law)	352
<i>Skrypa E.</i> Procedural and psychological features of different for defender stages of criminal proceedings	355

The legal system of Ukraine and international law, comparative legal studies

<i>Medvedieva M.</i> Environmental education for sustainable development in international and Ukrainian law	360
<i>Grinenko O.</i> Access to justice concerning the environment in the context of legislation of Ukraine and European standards	364
<i>Vaitsekhovska O., Rudenko R.</i> Legal characteristics of the international private credit relations	370
<i>Ganbarov D.</i> The place of the right for association in system of the rights and freedoms of the person in the Azerbaijani Republic	374
<i>Garo G.</i> Recognition and enforcement of foreign judgments on family affairs in Ukraine and Germany (Part 2: recognition and enforcement of judgments in family matters)	378
<i>Yershova V.</i> The development and current state of implementation of the Association Agreement between Ukraine and the European Union in the field of environmental protection	382
<i>Kosse D.</i> Ukraine's integration process to the EU and specific legal regime	386
<i>Popko V.</i> Iberian model of self-government	390
<i>Popko E.</i> Legal entity of obtaining for Ukraine visa-free regime with the European Union	396
<i>Tarasenko K., Sereda T.</i> Constitutional and legal framework and institutional support of Ukraine's cooperation with the European Union	400
<i>Fursa Y.</i> Implementation Consul security features of the rights and interests of legal entities – subjects of foreign economic activity in the host State	404
<i>Khrimli O.</i> Theoretical issues of dispute resolution in international arbitration investment	409
<i>Drozdova I.</i> International security law definition	413
<i>Kapitonova N.</i> Formation of municipal police UK	417
<i>Lebid V.</i> The concept and defining criteria of human rights international non-governmental organizations in the UN system	421

Legal practice

<i>Orehovskiy M., Kolomyets V.</i> Problem of determining legal status temporarily seized property which has not been arrested by the court in criminal proceedings and ways to solve it	425
--	-----

Students' forum

<i>Panasiuk L.</i> European standards for consideration of electoral disputes by administrative courts: suggestions for Ukraine	428
<i>Stolaieva D.</i> Features exemption from criminal liability for evasion of taxes and duties (mandatory payments)	431

Reviews

<i>Batanov O.</i> The modern view on issues of constitutional law	436
<i>Stefanchuk R.</i> The Modern problems of proving in civil procedure of Ukraine	437
<i>Kovalyova S.</i> The principle of equality in Ukrainian law of the Cossack-Hetman era	438
<i>Danchenko T.</i> The review of the scientific research journal "Science reading in memory of V. Koretsky"	440

Scientific chronicle	441
-----------------------------------	-----

Our people celebrating their jubilees

The anniversary of a famous scientist and teacher N. Onishchenko	449
The anniversary of a well-known historian of law B. Tyschuk	450
The anniversary of an oracle of national theory of law P. Rabinovich	452

Editorial message	454
--------------------------------	-----

**The "Chasopys of Kyiv University of Law" submitted to the
International scientific metric base "Index Copernicus International" (Poland)**

**The "Chasopys of Kyiv University of Law" ("Law Review of Kyiv University of Law")
submitted to the international scientometric data base HeinOnline
by the license agreement of 10.10.14**

**"Law Review of Kyiv University of Law" is included into the professional
publication list "Legal sciences"
(by the Highest Certification Committee of Ukraine resolution № 1-05/6, 12.06.02;
by the Highest Certification Committee of Ukraine resolution № 1-05/3, 14.04.10;
Ministry of Education and Science of Ukraine: order № 528, 12.05.15).**

The editorial office address: 4, Triokhsviatytska Street, Kyiv, 01601.
The editor-in-chief: (+38044) 278-51-55. The editor: (+38044) 235-63-24.

E-mail: chasprava@ukr.net www.kul.kiev.ua

The editor *T.Khodakivska*. The artist *N.Kosyak*.
Computer premastering: *G.Kondrashyn*

Printed media state register certificate KV № 16356-4828 PR, 19.02.2010

Signed for printing 08.11.2016. Format 60×84 1/8. Offset printing. Conventional printed sheets 52,8. Published sheets 62,2. Sheet feed 500 copies.
Edition and printing: Kyiv University of Law of the NAS of Ukraine. 4 Triokhsviatytska St., 01601, Kyiv-1, phone-number (+38044) 278-73-11.