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ПРАВОЗАХИСНА ТА ПРАВООХОРОННА ДІЯЛЬНІСТЬ: ЄВРОПЕЙСЬКИЙ ДОСВІД ТА УКРАЇНСЬКІ РЕАЛІЇ

LEGAL AND LAW ENFORCEMENT ACTIVITY:
EUROPEAN EXPERIENCE AND UKRAINIAN REALITY

RECHTS-UND RECHTSPFLEGETÄTIG-KEIT:
EUROPÄISCHE ERFAHRUNG
UND UKRAINISCHE REALITÄT

L'ACTIVITÉ DU DROIT ET DE LA LOI:
L'EXPÉRIENCE EUROPÉENNE ET
LES ACTUALITIÉS UKRAINIENNES

Науково-практична конференція
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Матеріали збірника стануть у нагоді усім, хто цікавиться роботою правових та правоохоронних органів України та Європи, а також бажає вдосконалити рівень володіння іноземними мовами.

Conference material will be a good opportunity to all those interested in the work of legal and law enforcement agencies of Ukraine and Europe as well as to everybody who wants to improve the level of knowledge of foreign languages.

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DEAR PARTICIPANTS AND GUESTS OF THE CONFERENCE!

We are glad to welcome you at our annual scientific and practical conference in foreign languages **"Legal and law enforcement activity: European experience and Ukrainian reality"**, which is traditionally held at Lviv State University of Internal Affairs.

Scientific researches of students, cadets and postgraduates concerning the vital problems in their specialties and their results in foreign languages, are very important creative process in which every student's self-realization elements prevails. The participation in the foreign languages scientific conferences gives the young scientists the possibility to combine the inner and outer factors harmonically which contribute to the person's foreign language competence formation, and create extra conditions for their self-realization.

The subjects of our scientific event provide an opportunity to embrace a wide range of topical issues of law enforcement activity both in Ukraine and abroad, including considerable emphasis on the comparative analysis of the National Police of Ukraine, Poland, Germany and France. An important place in today's conditions take such global issues as cybercrime and its prevention, the international legal protection of civilians in armed conflicts, discrimination, corruption and human trafficking, the legal regulation of the rights of refugees and other issues.

Undoubtedly, the positive results of the participants' research studies give grounds to assert their high level of knowledge of foreign languages, including English, German and French. After all, the knowledge of foreign languages is an opportunity to realize their professional potential at the international level as well as the key to success in today's world, where communication in foreign languages and processing of a large amount of information is becoming increasingly important.

The evidence for the need to cover the legal problems is a large number of participants representing the universities of Ukraine, in particular, Dnipropetrovsk State University of Internal Affairs, Donetsk Law Institute, MIA of Ukraine, Lviv Ivan Franko National University, Ukrainian National Forestry University, Lviv State Uni-

versity of Life Safety, National Army Academy named after getman Petro Sagaidachnyi, Lviv State University of Internal Affairs.

We wish all the participants productive work, enjoyable communication, fruitful cooperation and inspiration for new achievements in future.

Let the desire to build a legal democratic state and the formation of a strong civil society in Ukraine be the guide in a constructive dialogue.

Rector
of Lviv State University
of Internal Affairs

SEHR GEEHRTE TEILNEHMER UND GÄSTE DER KONFERENZ!

Wir sind froh Sie in der alljährlichen wissenschaftlich-praktischen Konferenz von Aspiranten, Kursanten und Studenten in Fremdsprachen **"Rechtliche und Rechtsschutztätigkeit: europäische Erfahrung und ukrainische Realität"** willkommen zu heißen, die traditionell in der Staatsuniversität für innere Angelegenheiten, Lwiw durchgeführt wird.

Wissenschaftliche Erforschung von Studierenden und die aktuellen Probleme des Faches in Allgemeinen und die Ergebnisse dieser Erkundungen in fremden Sprachen im Besonderen ist ein wichtiger kreativer Prozess, in dem jedes Element der Selbstverwirklichung dominiert. Die Teilnahme an wissenschaftlichen Konferenzen in Fremdsprachen ermöglicht jungen Wissenschaftlern harmonisch diese internen und externen Faktoren zu verbinden, die zur Bildung der Fremdsprachenkompetenz der Person die Schaffung günstiger Bedingungen für die Entwicklung beitragen.

Die Thematik unserer Wissenschaftsmaßnahme ermöglicht ein breites Spektrum von aktuellen Problemen der Rechtschutztätigkeit wie in der Ukraine, als auch außerhalb zu erfassen. Insbesondere betonnt man die komparative Analyse der Tätigkeit von der Polizei der Ukraine, der USA, der BRD und Frankreich. Wichtige Stelle in den heutigen Bedingungen besitzen folgende Problemen vom Weltmaßstab wie Cy-

berkriminalität und ihre Prävention, internationaler Rechtschutz der Zivilpersonen in bewaffneten Konflikten, Diskriminierungsäußerung, Korruption und Menschenhandel, rechtliche Regulierung des Rechtschutzes von den Flüchtlingen und andere Fragen.

Ohne Zweifel, die positiven Ergebnisse der wissenschaftlichen Forschungen von den Konferenzteilnehmern berechtigen über ihr hohes Fremdsprachbeherrschungsniveau, insbesondere Englisch, Deutsch, Französisch zu behaupten. Doch sind die Fremdsprachkenntnisse eine Möglichkeit ihr Berufspotential auf der internationalen Ebene zu verwirklichen. Das ist ein Schlüssel zur Erfolg in der gegenwärtigen Welt, wo die Fremdsprachkommunikation und die Bearbeitung des großen Umfangens von Informationen immer mehrere Bedeutungen bekommen.

Das Zeugnis der Notwendigkeit die Rechtsprobleme aufzuklären, zeigt eine große Teilnehmeranzahl. Sie vertreten verschiedene Hochschulen der Ukraine, insbesondere, Staatsuniversität des Innern, Dnipropetrowsjk, Staatsuniversität des Innern, Odesa, Nationale forsttechnische Universität der Ukraine, Staatsuniversität der Lebenstätigkeitssicherheit, Lwiw, Kommerzakademie, Lwiw, Staatsuniversität des Innern, Lwiw.

Somit wünschen wir den Konferenzteilnehmern die leistungsfähige Arbeit, die angenehme Kommunikation, die fruchtbare Zusammenarbeit, und folglich die schöpferische Ladung für die neuen Vollziehungen.

Der Orientierungspunkt im konstruktiven Dialog muss das Streben nach dem Aufbau in der Ukraine eines demokratischen Rechtstaates und die Gestaltung einer festen bürgerlichen Gesellschaft sein.

CHERS PARTICIPANTS ET LES INVITEES DE CONFERENCE!

Nous félicitons sincèrement les participants de la conférence scientifique des étudiants, des cadets et des adjoints en langues étrangères. La conférence **"L'activité juridique et de droit: l'expérience européenne et les réalités ukrainiennes"** passe traditionellement à l'Université des Affaires Intérieures de Lviv.

Les recherches scientifiques des étudiants et des élèves-officiers sur les problèmes actuels de la spécialité en générale et la reproduction des résultats de ces recherches en langues étrangères en particulier est un processus créatif important où prédomine l'élement d'autoréalisation de chacun. La participation aux conférences scientifiques en langues étrangères permet aux jeunes scientifiques de combiner harmonieusement les facteurs internes et externes qui contribuent à la formation de compétences en langues êtrangères de la personne et forment des conditions favorables pour le développement personnel.

Les sujets de notre conférence scientifique touchent les problèmes actuels de l'activité juridique et de droit en Ukraine et à l'étranger. On prête attention à l'analyse comparative de Police Nationale de l'Ukraine, de la Pologne, de l'Allemagne et de la France. Les problèmes qui sont très actuels d'aujourd'hui c'est le cybercriminalité et la prévention, la défense internationale de droit des personnes civiles pendant les conflits d'armes, les manifestations de discrimination, la corruption et le trafic des hommes, la régulation de droit de défense des réfugiés.

Les participants de la conférence scientifique possèdent non seulement la langue maternelle ukrainienne, mais aussi les langues étrangères, en particulier l'anglais, l'allemand et le français. La connaissance des langues étrangères c'est la possibilité de réaliser le potentiel professionnel au niveau international et la communication des langues étrangères, le traitement de l'information jouent un rôle important dans le monde.

Les participants de l'Université des Affaires Intérieures de Dnipropetrovsk, d'Odesa, l'Université d'Etat de la Sécurité de l'Activité Vitale de Lviv, l'Academie commerciale de Lviv, l'Université Nationale forestière et l'Université des Affaires Intérieures de Lviv éclairent aussi les problèmes juridiques et de droit à l'Ukraine et à l'étranger.

Nous souhaitons à tous les participants de la conférence une coopération fructueuse.

L'essentiel de notre travail c'est la construction de l'Etat démocratique et la formation de la société unie.

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THE PROGRAM OF DEFENCE OF WITNESSES IN UKRAINE

Lately in the conditions of activation of the criminal world the problem of defence of participants of criminal process from physical and psychological influence purchased the special actuality not only in the developed states of the world, but also in Ukraine. Law enforcement authorities traditionally pay basic attention to the face of criminal, often ignoring difficulties that arise up for victims and witnesses during pre-trial investigation or judicial trial.

The constitution of Ukraine, modern national legal doctrine, examines a person as a higher social value and provide her/his fundamental rights and freedoms as one of major state tasks. The problem of defence of participants of the criminal rule-making in recent yeas purchased the special value yet and in connection with intensifying criminogenic situation in the state and maintenance of high level of latentness of crimes. There is no doubt, that one of the substantial reasons of latentness of the criminality foremost organized is the fact that information about perfect crimes does not come to law enforcement authorities, as her transmitters, being rather afraid of violence from the side of criminals, disbelieve in possibility of protecting from illegal encroachments in case of grant of such information to the public organs [1, p. 75].

As it is known, on December, 23, 1993 for the proper legal settlement of providing safety of participants of criminal process a set of legislative decisions was accepted, in particular, the laws of Ukraine "On state defence of justiciaries and law enforcement authorities", providing safety of persons that participate in the criminal rule-making**,** corresponding position of laws of Ukraine "On status of judges", "On public prosecutor's office", "On National Police of Ukraine", "On security service of Ukraine", "On operational-search activity" [5, p. 98].

Application of the defined laws during investigation and judicial trial of criminal cases has to become the condition of the successful detection and investigation of crimes. But it did not happen in a

complete measure, and cases of application of law of Ukraine "On providing safety of persons that participate in the criminal rule-making" in practice indicates to lack of the corresponding organizationally-financial support. With the acceptance of the indicated normatively-legal acts and changes in legislation the problem of providing safety of participants of the criminal rule-making has not been solved yet. But, the new problem situations related to application of legislation appeared by organization of co-operation of corresponding law enforcement authorities and realization of corresponding directorate of public prosecutions [3, p. 123].

The measures of providing safety can be conditionally divided into:

– legal, including the establishment of responsibility for trenching upon life, health and property of persons that is protected, and judicial meaning the stop of procedure of receiving information from the informed persons;

– socio-economic – a grant to the possibility to change biographic data, residence and job;

– physical – a grant of guard, technical defence of housing and official apartments and others like that [2, p. 152].

The Article 7 of the law of Ukraine is "On providing safety of persons that participate in the criminal rule-making" determines the list of measures of providing safety. In particular, they are: 1) life-guard, guard of accommodation and property; 2) deliveries of special facilities of individual defence and notification are dangerous; 3) the use of technical equipments of control and listening to telephone and other negotiations, visual supervision; 4) changes of documents and change of appearance; 5) change of job or studies; 6) migration of residence; a 7) apartment is in preschool educationl establishment or establishment of organs of social defence of population; a 8) providing confidentiality of information is about a person; 9) the judicial trial of criminal case is closed [4, p. 51].

Unfortunately, in our country the examples of successful defence of witnesses are absent with application of complex of measures enforcing a law. We must deeply learn successful experience of foreign countries in industry of defence of participants of the criminal rule-making, to enter it to the national legislation and decide the main problem that consists in absence of the national program of defence of witnesses and financing the expense mechanism of this program. In this connection it would be expediently:

– to work out and accept "Program of defence of persons that participate, and support the state regulated legal relations in the criminal rule-making", to set the effective mechanism of defence of persons, that fall under the action of laws of Ukraine "On providing safety of persons that participate in the criminal rule-making" and "On state defence of justiciaries and law enforcement authorities";

– to create independent department on providing safety of persons that participate in the criminal rule-making, in connection with realization of many law provisions about safety of the defined persons is possible only within certain law-enforcement department and only at state level, for example, measures are related to the change of questionnaire data of a person that is under state defence, his/her migration of residence, transfer from one place of work to another.

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ORGANISED CRIME – CAN WE UNIFY THE DEFINITION?

Organized crime is a major problem in most European countries. In spite of that, there is no generally accepted definition of organized crime yet. In fight against organized crime, it is essential to

collect and analyze information about organized crime systematically. For this purpose we need the determination of an appropriate policy to fight organized crime and internationally recognized definition of organized crime. Since we have no such definition the data are hard to compare. There are also differences in judicial systems, differences in the police registration methods, registration of criminal offences and police activities. What is common is an understanding of the features that characterize the way in which organized criminal groups operate. That is why we have to compare the organized crime characteristics in different countries to work out the basis for future definition of organized crime. Unfortunately numerous trials of European countries in the field of the international co-operation, directed in to the search of new strategies and tactics of suppression of organized crime, have given only scant results [2, 12–33].

There is no generally accepted definition of organized crime yet, due mostly to the quick development and changing of the forms in which organized crime appears. Since high professionalism, organization and nearly unlimited financial means are characteristic for organized crime, the situation in this field is constantly aggravating. The profits represent an ever increasing danger for the State and the society, since organized crime invests them on one side in completely legal business – money laundry, while on the other side they represent an enormous corruption potential. This is the reason why a political question appears here, namely, how can a certain society take care of the safety of its inhabitants and its State as an organization. From the above characteristics derive all the evaluations about the corruption and the connections of organized crime with legal structures of the state, which clearly points on its great social danger and the jeopardizing of the security system. That is why the organized crime is not the problem of the police alone; it is essential to begin the suppression of organized crime on the bases of new tactics and strategies, with the co-operation of all parts of the society and through a carefully prepared program of national safety, as well as through international co-operation. The initiatives for the acceptance of a uniform definition of organized crime are the first steps, which will give the basis for further work in this field. All the efforts of the world community are oriented towards the finding of a proper definition of organized crime, since there exist many such definitions of which none could be accepted as a final one. The uniform world definition is

necessary because of the internationalization of the problem of organized crime and because of the danger it represents for the entire society (Wilton Park Paper, 1995). More important than just a formal definition is the understanding and the characteristics, which define the activities of the organizations, dealing with organized crime. On the grounds of such characteristics it can be determined when and how many of special measures will be used in the fight against organized crime. These important characteristics are being reflected through all the working definitions of organized crime [1, 44–51]. From the above mentioned, a question arises whether it is possible to define the notion "organized crime", and if yes, which requisitions should be put forward for such definition.The basis of such definition should be the clarification of all the forms of appearance of organized crime. Once such forms of organized crime are recognized, they would have to be standardized and arranged into various areas. It is impossible to speak about the national state of organized crime independently from the outside influences because of the existing international connections. The internationality of criminal groups and places of their activities make the co-ordination of the international police analyses and investigations more difficult. We therefore need a coordination of valid legal regulations in the area of criminal justice, penal procedure legislation, administrative legislation and judicial and constitutional legislation. As long as Europe remains a state formation with different legal systems, the co-operation will repeatedly have to face various limitations, which are not limiting the perpetrators, since the role of national governments remains a true problem for all that see the formation of Europe as the surpassing of national States. The boundary line between the international legislation and the national security becomes therefore more and more important. It is necessary to become reconciled with the fact, that organized crime is mainly the problem of the State in which it is active (Wilton Park Paper, 1994). Though Europe is trying to take over some of the methods for the suppression of organized crime from the experiences of the United States of America, it nevertheless seems that these measures are already out of date, and cannot be transferred in an existing environment, though they are worth being reconsidered. We can not entirely compare the criminal organization in Europe with the one in the U.S.A., mostly because of the large concentration of States on a smaller territory, which is manifold because of national, economic,

cultural, historical, religious, social and other specifics. On this manifold territory, it is essential that a closer co-operation develops between national police forces in the fight against organized crime (Abadinsky, 1988). Unfortunately, numerous trials of European countries in the field of the international co- operation, directed in to the search of new strategies and tactics of suppression of organized crime, have given only scant results. Thus the foundation of the TREVI Group, the Schengen Agreement and the foundation of the EUROPOL were accompanied by many problems, political and legal by nature, and due to them the success of the co-operation is far behind the expectations [3, 99–112].

The efforts of the States, united within the frame of the Europol, to unify the fight against organized crime, regularly stop at the numerous diversities. Different States use different tactics of fight against organized crime. The power of organized crime varies from country to country ant the forms of organized crime are different mostly because of the geographic, economic and social factors in individual countries. It is often impossible to compare the crime in various States due to different levels of extent of incrimination of various activities. If certain activity is in one State defined as a criminal offence, it may only be a violation in another one or not punishable at all somewhere else. Essential differences can also be found in the qualifications of various types and appearances of criminal offences. A comparison of crime indicators between various legal systems is therefore questionable from the methodological point of view. It has sense only with specific forms of serious criminal deeds, like murders, robberies, etc., which represent approximately the same social dangers in various countries and are therefore incriminated in a very similar way [2, 71–83]. As we can see, organized crime is not a new world phenomenon. However, despite the long tradition of the appearance of this phenomenon, the trials to measure organized crime have appeared only recently. Because of different approaches and methods of measurement of organized crime, the efforts to unify the criteria for the measurement of organized crime have appeared within the frame of the Europol. The first obstacle that became obvious with the efforts to define the criteria for the measuring of organized crime, is the definition of organized crime itself, which varies from State to State. It is therefore necessary, for an effective comparison, to prepare the unified criteria first, which would be the basis for further activities

(Fijanut, 1990). As a prerogative for the successful solution of the problem, it would be necessary to accept a strategic plan, based on the uniformly accepted definition of organized crime and an adequate national security policy. It would also be necessary to prepare the methodology for the measurement of the movements of organized crime.

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PROTECTING REFUGEE CHILDREN

Wars in Syria and other countries have caused to the great number of refugees in the whole world.

About half of the world's refugees are children. In emergencies children are increasingly becoming not only accidental victims of refugee movements, but deliberate targets.

Because of their dependence, their vulnerability and their developmental needs, all children, including refugee children, require special protection and care to realize their potential. In certain circumstances, adolescent refugees are more vulnerable to some human rights violations than are other age groups. For example, in times of combat, adolescents are often forcibly recruited. Younger children are dependent upon their parents or other adults to provide the basic necessities for survival. If these necessities are difficult to obtain, younger children are physically more vulnerable than adolescents or adults to illness and malnutrition. When resources are scarce, young children are the first to die.

Life as a refugee is a life of trauma for children. They can suffer acutely from the persecution of family members, the parental anxiety and distress, or the generalized violence; leaving behind family, friends and all that is familiar to them; separation from one or both parents during flight; the assumption of adult responsibilities if one parent is missing; a forced interruption of education; a lack of time or place for play; pressure from the military or armed groups. Refugee girls often face even greater protection problems than refugee boys. Their participation in education is often cut short; and they are victims of sexual abuse, assault and exploitation in greater numbers than are boys [1, 58].

Refugee children share certain universal rights with all other people, have additional rights as children, and particular rights as refugees, including entitlement to international protection and the assistance of UNHCR.

Basic health care, nutrition and education are generally recognized as necessary for the physical and intellectual development of children. But basic programming for education not only ensures that the right to education is addressed; it also protects against human rights violations, such as child recruitment. Registration at birth not only protects the child when he or she is a refugee, but when he or she returns to the country of origin. Healthy development also depends on the nurturing and stimulation children receive as they grow, and on the opportunities they have to learn and master new skills.

The international treaty that sets the most comprehensive standards concerning children is the 1989 Convention on the Rights of the Child. The CRC is the most widely adopted of any international treaty; almost every country in the world has ratified it. Because its standards are universally recognized, the CRC can be used as the primary basis for protecting refugee children [2, 19].

In 1990, the World Summit for Children adopted a Declaration and Plan of Action. The goals of the World Summit set important standards to work towards in health and education. As follow up, States are encouraged to develop national plans of action, which should include refugee children under the category of «children in especially difficult circumstances» [2, 20].

All CRC rights are granted to all persons less than 18 years of age (art. 1) without discrimination of any kind (art. 2). The CRC requires States parties to take appropriate measures to ensure that a

child who is seeking refugee status or is considered a refugee receives appropriate protection and humanitarian assistance (art. 22) [3, 2].

Virtually every aspect of a child's life is covered in the Convention, from health and education to social and political rights. These social welfare rights are not just principles or abstract goals. Because they are rights, and because there is a prohibition against discrimination, whatever benefits a State gives to the children who are its citizens must be given to all children–including those who are refugees. The non-discrimination article of the CRC (art. 2) stipulates that every child within a State's jurisdiction holds all CRC rights regardless of his or her citizenship, immigration status or any other status [3, 2].

The theme of participation with children is also prominent throughout the CRC. Collaboration can take many forms: social participation in the development of the family and in community life, participation of those with special needs, such as disabled children, and participation in any decision-making. When children participate in decision-making, adults can make better choices because they take into consideration the thoughts, feelings and needs of children (art. 12) [3, 4].

Refugee adolescents, like all adolescents, are still developing their identities and learning essential skills; but they must do so in unfamiliar surroundings, facing an uncertain future, while often threatened with sexual abuse, exploitation or military recruitment

Although the CRC gives individual rights to children, it also emphasizes children's relationships with others. The CRC recognizes that the family is «the fundamental group of society» and places children's rights in the context of parental rights and duties. In other words, the best way to promote the well-being of refugee children is to support their families; and one of the best ways to help families is to help the community [1: 60].

So, what needs to be done to improve the situation?

1. Promote keeping child rights among government authorities and other relief agencies.

2. Incorporate activities to assess, monitor and address the needs of refugee children.

3. Coordinate efforts with the International Committee of the Red Cross (ICRC), UNICEF and UNHCR to trace members of families that have been separated during flight.

4. Publicly condemn the recruitment of refugee children to be soldiers.

5. Promote primary and secondary education for refugee children.

6. Promote peace education, reproductive health education, skills training and other.

7. Share information about child rights violations and about unaccompanied minors with UNICEF, appropriate authorities, other NGOs and UNHCR.

8. Help ensure that children have access to appropriate refugee status determination procedures in accordance with their needs and with international law and practice.

9. Verify that all children have access to potable water, shelter, basic health care and primary education.

10. Be alert to efforts to recruit children as soldiers. Alert UNICEF, UNHCR, the Special Representative for the Secretary-General on Children and Armed Conflict and other nongovernmental organization.

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LIFE INPRISONMENT AS AN ALTERNATIVE TO DEATH WARRANT

Upon receiving its independence, Ukraine had to deal with a number of important issues which would have determined whether or not she could become a democratic state, i.e. a full-pledged member of international relationships who strives for exerting a significant influence on the world. The desire of Ukraine to meet the international standards on the political level resulted into clearly defined reforms in criminal law

related to the abolition of death penalty and the introduction of more humane system of punishment. On May 3, 2002, Ukraine signed the protocol 13 of European Convention on Human Rights which advocates for complete abolishment of death penalty under any circumstances in peace and war time [6]. However, since the Convention did not state clearly with which punishment death penalty should be substituted, each country decided for themselves on the sanctions to be imposed for the most heinous crimes. Exactly this became one of the factors of the occurrence of life imprisonment in Ukraine [4].

In our country life imprisonment is the most severe punishment which is an alternative to a death penalty and imposed only in special cases for committing heinous crimes. This type of punishment is always inflicted as a primary one and can be imposed independently or combined with additional punishments. Many researchers believe this type of punishment is reasonable as well as effective in fighting crime in Ukraine. However, the problem is that the discussions on whether or not life imprisonment is an adequate alternative to a death penalty are still being held since, despite the majority of countries refusing from implementing such type of punishment, there is a number of countries where such punishment as death penalty still exists [3, p. 207].

Life imprisonment had been incorporated into the Criminal Justice System of Ukraine by the Law of Ukraine from February 22, 2000 'On making changes into the Criminal Code, Criminal Procedure Code and Correctional Labor Code of Ukraine [3, p. 209]. Life sentence is a type of criminal penalty that one received after a judge imposes a sentence and, as its name implies, an offender is sentenced to spend the rest of his/her life in a prison [5].

This Law was added to the Criminal Code of Ukraine of the year 1960, in which the Article 252 states that life sentence is imposed on the offender who commited a heinous crime and is used in the occasions mentioned in the Criminal Code when the court thinks the imprisonment for a specific period of time is not possible. According to the Criminal Code of Ukraine of the year 1960, life sentence can be imposed in case of an offender committing at least one out of five general crimes, usually connected with a deliberate attempt to kill a person, and at least one out of 18 war crimes, committed in a war time or in a battle, or connected to premeditated murder.

The currect Criminal Code of Ukraine also mentions life imprisonment as one of the criminal penalties. For example, Part 1 of the Artile

62 says that ‘the punishment of life imprisonment is imposed for special grave offenses and shall apply only in cases specifically provided for by this Code, where a court does not find it possible to impose imprisonment for a determinate term’ [3, p. 209]. A special grave offense is a crime for which the main punishment is a fine in the amount of 25,000 tax-free minimum individual incomes, or an imprisonment for the term of minimum 10 years, or a life sentence [1, art. 12].

In Ukraine life imprisonment as the most severe punishment is imposed only in special cases. The sanctions of the articles of the Special Part of Criminal Code of Ukraine define life imprisonment as an alternative to incarceration. As of September 1, 2016, 1552 persons are serving their life sentence [7].

Despite being named as ‘life imprisonment’, it does not necessarily mean the offender, without any exceptions, should serve his his/her sentence till death. The character of ‘life’ in the notion of this type of punishment is not absolute since under special circumstances stated in the law there is a possibility substituting it for another type of punishment [3, p. 212].

Today, according to the current law, life sentence is commuted on the basis of an act of pardon and a number of acts such as the Constitution of Ukraine, the Criminal Code of Ukraine, the presidential decree of Ukraine from April 21, 2015 of No. 223/2015 "OnRegulations on the procedure of pardon", the Item ‘A’ of the Article 7 of the Law of Ukraine from December 12, 2008 ‘On Amnesty’.

According to the above-mentioned presidential decree of Ukraine, executive clemency petition can be submitted only when the person convicted to a life sentence has served at least 20 years. In our country, according to the Part 2 of the Article 87 of the Criminal Code of Ukraine, when pardoning a person convicted to a life sentence, a substituted punishment is an imprisonment for a term not less than twenty five years [2, p. 346–347].

In the item 4a of Recommendation of the Commitee of Ministers of the Council of Europe ‘On Conditional Release (parole)’ Rec (2003) 22 it is indicated that ‘in order to reduce the harmful effects of imprisonment and to promote the resettlement of prisoners under conditions that seek to guarantee safety of the outside community, the law should make conditional release available to all sentenced prisoners, including life-sentence prisoners.’ Besides, one should draw their attention to the fact that according to this Recommendation amnesties and pardons are not included in the definition of conditional release.

Also, this Recommendation includes a prescript which states that the authorities should ensure the availability of parole release. In Ukraine, as mentioned above, life-sentenced prisoners cannot be let out on parole [4].

Thus, at the present stage of the development of the Ukrainian society the use of such a type of punishment as life sentence is much more appropriate than death penalty because each person has the right to life. Such a type of punishment as dealth penalty constradicts the Article 27 of the Consitution of Ukraine and violates the Universal Declaration of Human Rights.

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POLICE ATTESTATION CONCEPT IN UKRAINE

The total efficiency of the National Police of Ukraine depends on the performance of each employee. It is therefore important to the process of assessing the performance of the police, especially in the reform of the Interior Ministry of Ukraine. Thus, attestation police

held the appointment to a higher position if this position substitution is made without competition; to decide on the move to a lower position through a proprietary mismatch; to decide on separation from service by the police officer mismatch. However, the legislation Ukraine does not contain a clear concept "attestation police". So try to identify it and offer your own understanding.

Certification (from the Latin Attestatio – evidence confirmed) – inspection and assessment of business training workers for their compliance position or exercised [1, p. 161]. Certification positive impact on increasing responsibility for the quality and efficiency of labor, rational use of personnel with regard to their professional skills, experience and complexity of work.

The scientific literature also has no unambiguous interpretation of the term "attestation".

Kravets V. R. says certified as a system of legal rules governing the attestation-job relationships that develop with the civil service, the assessment of business, personal, moral qualities of employees in order to: determine the level of training and compliance with the civil servant's position in the civil service; improve management [2, p. 15].

Volynets V. V. indicates that distinguished certification in the broad and narrow sense. Definition of qualification, knowledge worker, compliance with its competencies certain profession, qualification, certification office is in a broad sense. Certification in the narrow sense – a test conducted by the employer using Attestation Commission, in order to continuously improve business activity of employees, improving their selection; a periodic examination of business, organizational, moral and personal qualities of a particular category in a special organizational form [3, p. 91].

Krimskaya O. M. notes that the certification – a legal form of professional development control officer to determine the level of his professionalism and his match his post, which is done by examining the business and his personal qualities, performance assigned tasks [4, p. 305].

Vyshnovetskyy V. M. consider certification as a legal obligation of public servants to undergo periodic inspection of their training and matching his post, which is organized by the head of the state body in accordance with the rules and regulations in order to optimize the use of personnel, stimulating the growth of their skills, increase accountability,

executive discipline and setting possibilities conservation, modification or termination of a public-service relationship [5, p. 46].

Mikhailova L. I. defines certification as a special comprehensive assessment of the strengths and weaknesses of the employee, check the degree of compliance with his position [6, p. 98].

Summarizing, it should be noted that the certification is made in various government agencies, various structures of the executive branch, but of attestation system of the National Police is different and can not be completely identical to the certification, such as customs agencies, regional administrations, or other public authorities.

Thus, certification is understood as a legal fact, which entails changes in the service and the legal status of police officers (hereinafter – ATS) [7, p. 29]. Kikinchuk V. U. says certified police officers Ukraine as an activity during which the Certification Commission within the established procedures to verify compliance of the internal affairs of Ukraine's position, stimulating their creative activity and responsibility sets of skills by assessing its business, professional, personal and moral skills, education and skill level, physical training [8, p. 179].

Saveliev. O. S. offers certification in police officers understood regulated by regulations and based on the principles of collegiality, transparency, completeness, comprehensiveness, objective assessment procedure authorized officials of business, office, personal, moral, psychological and communicative qualities of servicemen and officers police, their education, qualification and professional levels over a period of passage of service to identify achievements and shortcomings in their careers, working out ways and means to address them, the improvement of the police, increase their efficiency, improve selection, placement and training of personnel, stimulating training, initiative, creative activity and responsibility of employees for assignments [9, p. 10].

The main legal acts regulating the process of attestation of police in Ukraine is the Law of Ukraine "On the national police" and Instruction on the procedure of attestation of police, who also does not define this concept.

In view of the above, given the current processes attestation police, we provide an attestation police – is regulated by regulations work of certifying commissions bodies (institutions, agencies) police to address the issue of appointment to the top job when replacing the post is done without the competition; the question of moving to a

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THE POSITIVE IMPACT OF INFORMATION TECHNOLOGY ON LEGAL INSTITUTIONS

"Who owns the information, owns the world "
– Sir Winston Churchill

Introduction. It is a well-known fact that we live in the world of information technology (IT). Many areas of human activity – economics, politics, science, education, culture, and legal activity – are

impossible without using information technology. We cannot imagine our life without technologies as we use them constantly everywhere, in almost all aspects of our lives. We communicate with people, order services, buy various products, perform financial operations, read books, learn foreign languages, search recipes, etc. Therefore, information technology is gradually transformed into one of the most important factors affecting legal consciousness. Improvement of computer hardware, software, development of automated data processing systems, electronic databases and data banks, and also development of various telecommunications Networks including the global Internet influenced all areas of human life. One should note that problems of communication of legal culture with IT are not sufficiently explored, so they should be discovered and discussed.

Main body. IT is the important part of humanity. Rapid introduction of the information activity in modern society leads to necessity for introduction of electronic forms of relationships. IT is the general source of information about the law and legal activity. It provides different possibilities concerning formation of legal targets and legal systems, stimulates practical activities in the legal field, expands access channels to various legal information, expands possibilities of communication with expert groups and solves difficult situations, improves scientific activity, exchanges experience in discovering fast access to all the scientific papers of foreign and domestic scientists, the passing of new laws, and makes quick adjustments to existing legislation and huge amount of other opportunities. Examples of implementation of all these possibilities are various [1].

Firstly, data banks should be reviewed. There are a lot of orphans in Ukraine. One of the instruments to help these children was the implementation of the idea to shoot and distribute video stories about these children, until they can find future parents. After placement of orphans in the family, parents should have sufficient knowledge of education of orphans and able to receive psychological and legal counseling. So regular online consultations are conducted by experienced coaches and psychologists [2].

Secondly, webpages as a source of necessary legal information. In the modern life, it became easier to follow the changes in the existing and the introduction of new laws [3]. We have a new level of access to this information in any part of the world where there is access to the Internet. It's Website of the Government, the Ministry of Internal Affairs, the Ministry of Education, legal companies, etc.

A major breakthrough in conducting scientific seminars, readings, communication between scientists became online webinars and advice. Everybody can imagine now we have no constraints – differences in the time, big distance, even language – they all are not crucial factors anymore! So we can have a conference or chat with lawyers and get good advice.

Over the next six years, the available computing power will likely double at least twice and maybe three times. This increase in computing power and new devices will likely drive current lawyering technologies such as document automation, decisions engines, e-discovery tools, communication and collaboration tools, legal research tools, and legal expert systems to continue to mature and progress in functionality and availability. Most of these tools started out in a desktop delivery environment, but there has been a sharp increase in the number of online tools available to attorneys. This trend will continue so that by 2020 most of the viable solutions will be available either exclusively over the Internet or with very limited desktop interfaces. Technology service providers are becoming device/operating system/browser agnostic. Trending industry concepts such as "big data" and "unstructured databases" will allow vendors to provide more robust, higher performance, and increasingly feature-rich applications.

Other technology trends will allow solo and small firm attorneys to access more information less expensively, to create and join communities of attorneys, and to collaborate within these communities in a way that is similar to having the networking and support that attorneys enjoy in large firms. The net effect of these trends will empower the attorneys to compete at a higher level with larger firms.

The institution that was established to raise levels of professional competence and capacity in all nations so that professionals everywhere may achieve practical solutions to common problems in ways that suit their nations' own needs is the Information Law Institute (ILI). The ILI conducts research, provides practical training and education in Washington its regional campuses, and elsewhere; advises governments and private entities internationally; and publishes books and scholarly articles. The ILI is an academic center for the study of law, policy, and social norms defining and affecting the flow of information in a digitally networked society. Its mission is to encourage and disseminate thoughtful research and commentary, welcoming the participation of faculty, students, and other researchers across the disciplinary spectrum [4].

Conclusion. To summarize, IT has open all the doors for improving progress of law institutions and their communication with society. The question remains and it is – will the artificial intelligence and technology that drives the creation and delivery of the work product be coming from the law office or somewhere else? I believe the answer to that question depends on us. So we ought to carry out a consistent policy of using modern technology in the legal process to improve our great future.

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METHODS OF INVESTIGATION OF SEIZURE OF NARCOTIC MEANS, PSYCHOTROPIC SUBSTANCES OR THEIR ANALOGUES BY MISAPPROPRIATION OR AN OFFICIAL POSITION ABUSE

Social-economic changes in the country, strengthening of democratic institutions in Ukraine, granting wide rights and freedoms of citizens for years of independence are accompanied by negative processes: the development of the shadow economy, extending of corruption, establishment of organized and professional crimes. The transformation of social relations influenced on criminalization of various brunches of economy, reducing of social protection of population, increasing persons who abuse drugs. Illigal circulation of drugs becomes a direct threat for nation, asquires global scale. The transnational nature of drug trade involves smuggling of drugs over long distances, covers the territory of different countries [1].

Larceny of narcotic means, psychotropic substances, their analogues occupies an important place in the structure of drug trafficking and in the system of other drug crimes. Identification, discovering and investigation larseny of narcotic means causes serious difficulties by improving criminal mechanisms, using criminals modern armament and different forms of counteration law-enforcing bodies. In such circumstances the determination and solving the assignment of elaboration criminalistic recommendations which are aimed on optimization the preliminary investigation and effectiveness in identifying offenders acguires great significance.

Offences related to illegal circulating of narcotic means, psychotropic substances, their analogues and precursors, form a separate group (art. 305–322 of the Criminal Code of Ukraine) [1], which has a specific criminalistic characteristics (characterization) that determines the peculiarity of their investigation. The subject of the studied (researched) category of crimes are narcotic means, psychotropic substances, their analogues and precursors.

However, only by a special subject can be commited such crimes as: seizure (acquirement) of narcotic means by abusing of his official position, psyhotropic substances or their analogues by misappropriation or an official position abuse, illegal provision of prescription authorizing the purchase of drugs, violation of rules for handling drugs, potent and poisonous substances, biological agents or toxins.

Seizure (acquirement) of narcotic means, psychotropic substances or their analogues by misappropriation or an official position abuse unlike appropriation evident in their unlawful withdrawal by using of official position. That is, this seizure (acquirement) can only be committed by an official and only of narcotic means, psychotropic substances or their analogues, which are in use of other persons, who should be responsible for their preservation. A typical feature of seizure (acquirement) by using of official position is, that the guilty person gives his actions externally lawful appearance, gives orders, instructions to subordinates, so that they transfer drugs to him or to other persons for unlawful use.

The rules about seizure of narcotic drugs(means), psychotropic substances, their analogues or precursors by an official position abuse (stipulated by the second or the third part of the articles 308 and 312 of the Criminal Code of Ukraine) are special rules regarding to general norms, provided by the second, the third, the fourth or the fifth

parts of the article 191 of the Criminal Code of Ukraine [2]. These actions are consisted in illegal turning of such items into his own benefit or for the benefit of other persons using the official his official position against the interests of the service.

Despite the fact that modern scientists, criminologists have made a significant contribution in the development of certain criminalistic methods, the question of formation criminalistic characteristic and fundamentals of investigation seizure of narcotic means, psyhotropic substances or their analogues by misappropriation or abuse of an official his official position, did not find comprehensive coverage in scientific sources.

Criminalistics as a science for a long time of it's existence has accumulated considerable knowledge regarding methods of investigating crimes in general, and crimes in the sphere of drug trafficking in particular. However, there is not enough developed methods of investigation criminal offenses, provided by art.308, 312 of the Criminal Code of Ukraine, and also questions (items) about circumstances, which are to be (must be) established during investigating these types of crimes.

A subject of proving in criminal proceedings and the content of circumstances which must be established in the criminal proceedings have been repeatedly analyzed by the native and foreign scientists in the field of criminal procedure and criminalistics (V. S Zelenetsky, V. I. Galagan, U. V. Shepitko, etc.). Identifying a list of circumstances which are to be established during the investigation of the criminal proceedings is important. As the outstanding criminalist O. N. Kolesnichenko indicates, before considering the problem of tools, techniques and methods of investigation, should determine the range of tasks and circumstances which are to be established [3].

However, the issue of determining the place and role of circumstances which are to be established among the components of criminalistic methods, in particular, their correlation with criminalistic characteristic, is controversial in scientific circles. Most scientists support the view that the delimitation of the circumstances which are to be established in the criminal proceedings from criminalistic characteristics is necessary.

Thus, such element of criminalistic methods as circumstances which must be established during the investigation seizure of narcotic

means, psychotropic substances or their analogues by misappropriation or an official position abuse, allows more deliberately (goal-directedly) and with less effort and time determine the range of information that is to be established, to study the necessary materials, evaluate their legality and sufficiency to determine the direction for further searching and taking procedural decisions at certain stages of criminal proceedings.

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FEATURES OF THE REGULATION OF LEGAL RELATIONS IN SPORTS IN UKRAINE: LEGAL-THEORETICAL APPROACH

Sport is a health, this is a hobby, or just kind of employment, which brings income, that is why today, the regulatory basis for the emergence, change and termination relations in sports is the Constitution of Ukraine, law of Ukraine "On physical culture and sport", which identify a complex of General legal, organizational, social and economic bases of activity in the sphere of physical culture and sport and regulates social relations in creating for the development of physical culture and sport. Also the law of Ukraine "Anti doping control in sports" and other normative-legal acts and international acts, consent to be bound by the Verkhovna Rada of Ukraine. Lokal regulatory normative-legal acts in sports relations.

Certain aspects of the problem of development of sports law in Ukraine explores the Standing Committee State Council of Ukraine on family, youth policy and sport.

Nowadays the law of Ukraine "On physical culture and sports" in spite of its conceptual value integrates the norms not system the existing law-spores. For Ukraine, the law of Sports as complex branch of law is new, not theoretically developed and legislated.

I think it necessary to give attention to the Features of the presenting complaints and appeals to the Court in matters of regulate sports disputes.

In spite of not enough powerful legal regulation in the sports industry, despite a number of objective and subjective factors, Ukraine needs creation of normative-legal act -"Consolidated collection" in the sports field.

In conclusion, we can say that the law of Sports efficient right as an element of the system of law of Ukraine, on its normative and functional slowly begins to take signs of self of the industry within which combine specific legal institutions: Institute of sports in the middle-in, Institute of sports arbitration, Institute of anti- doping control in sports and regulations of sports law, etc. At the same time, the legislation of Ukraine at the present stage of its development still requires significant up-processing as part of the settlement of new types of relationships, and of the separate items-the sports law from other legal areas Legislation of Ukraine at the present stage of its development still requires substantial revision as part of the settlement of new types of relationships, and of the separate subject of sports law from other legal areas, including civil and labour.

Thus, emergence or emphasis of the new law is an objective process that is driven by the need to development and ensuring the integrity of the regu-concerning social relations that are characterized as feature them in a non-objective and legal status of their subjects.

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THE NATIONAL POLICE OF UKRAINE

The National Police of Ukraine is a principal organ of the executive authority, which serves the society providing safeguarding a person's rights and freedoms, crime counteraction, maintenance of public safety and order.

The police activity is directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs according to the legislature. The tasks of the police are:

1. Providing public safety and order.
2. Safeguarding person's rights and freedoms, interests of a society and a state.
3. Crime counteraction.
4. Giving, in frames of law, assistance to the people, who need help, because of personal, economic, social purposes or due to the extraordinary situations.

In our opinion, there is no so necessary and popular profession such as a police officer in our time. Always and everywhere, at any time, in any society there is a need for maintenance of public order, observance of the law in protecting the citizens and property.

Probably, there is no so dangerous profession like a police officer. Risking their lives, the police participate in operation to capture armed and extremely dangerous criminals, search of the thieves, and detection of serious thefts.

There must be a set of professional and personal qualities. Of course, no one speaks of supermen with supernatural abilities – we see these police officers only in the movies. In real life, they are serious, responsible, courageous people.

There are hard requirements for service in law enforcement agencies. It is clear that they must not have a criminal record, be physically and mentally healthy: mandatory submission of test for physical training, passing a psychological test. In addition, periodic passing of standards for shooting and physical training during the service.

Workers of internal affairs daily decide difficult tasks, which related with their profession.

For example:

1. Hard conditions of service.
2. Permanent psychological stress.
3. The need to communicate with the "dregs of society".
4. To remain human heart.

There is no other profession, which would have linked understanding nobility, honor, and decency. A sacred duty of every police officer – do not tarnish the honour of his uniform.

Finally, none of the profession finds emotional response in the community, as the police profession: of respect and pride to disdain and hatred. Otherwise, there would be no movies about good and bad police officer, no jokes, which makes fun of the people "werewolves in epaulets".

In short, the profession of a police officer – is interesting, difficult but necessary profession that will help make the lives of others and society better.

If speaking about police, I want to compare Ukrainian and American police system. Of course, there is no anything to judge, but we can just look at their differences and common features.

First, we can see the uniform, which police officers wear. It is practical and comfortable. Different parts of the uniform depend on the season and on the occasion. Police officers have a regular uniform, which they wear every day and a uniform for special occasions.

Then there are Ukrainian and American police badges. They look like the same, but everyone has its own form and number.

The National police of Ukraine have subdivisions (units)

1. Criminal police
2. Patrol police
3. Organs of the preliminary investigation
4. Police of safeguarding
5. Special police
6. Police for special purposes

Therefore, you can serve in the criminal investigation, patrol – guard service, service district, the department for combating economic crimes.

The National police of the USA have subdivisions (units):

1. Federal police
2. Police state
3. City police
4. Police for special purposes

I want to do the detailed review of Police for special purposes in Ukraine and in the USA. There are SWAT (Special Weapons and Tactics) in the USA and COSA (CORD, Corps Operative Sudden Action) in Ukraine.

The serve in these subdivisions is as hard as be selected in it. Men must be very strong, hardy, enduring, courageous, and literally deathless. They are training every day to be alert for any operation.

Therefore, after characteristics of this profession, description about police officers and comparison of Ukrainian and American police I want to tell you a little about establishments, where future officers are preparing to serve.

There are many educational establishments under the Ministry of Internal Affairs of Ukraine, and among them Lviv State University pf Internal Affairs. Those educational establishments prepare future officers of the Ukrainian Police to solve one of the major social problems of our time – crime eradication in our country.

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CYBERCRIME

Cybercrime, or computer crime, is crime that involves a computer and a network [1]. The computer may have been used in the commission of a crime, or it may be the target [2]. Debarati Halder and K. Jaishankar define cybercrimes as: "Offences that are committed against individuals or groups of individuals with a criminal motive to intentionally harm the reputation of the victim or cause physical or mental harm, or loss, to the victim directly or indirectly, using modern telecommunication networks such as Internet (Chat rooms, emails, notice boards and groups) and mobile phones (SMS/MMS)" [3].

Such crimes may threaten a nation's security and financial health [4]. Issues surrounding these types of crimes have become high-profile, particularly those surrounding hacking, copyright infringement, child pornography, and child grooming. There are also problems of privacy when confidential information is intercepted or disclosed, lawfully or otherwise. Debarati Halder and K. Jaishankar further define cybercrime from the perspective of gender and defined 'cybercrime against women' as "Crimes targeted against women with a motive to intentionally harm the victim psychologically and physically, using modern telecommunication networks such as internet and mobile phones"[3]. Internationally, both governmental and non-state actors engage in cybercrimes, including espionage, financial theft, and other cross-border crimes.

What is cyberwarfare?

Cyberwarfare is Internet-based conflict involving politically motivated attacks on information and information systems. Cyberwarfare attacks can disable official websites and networks, disrupt or disable essential services, steal or alter classified data, and criple financial systems -- among many other possibilities

According to Jeffrey Carr, author of "Inside Cyber Warfare," any country can wage cyberwar on any other country, irrespective of resources, because most military forces are network-centric and connected to the Internet, which is not secure. For the same reason, non-governmental groups and individuals could also launch cyberwarfare attacks. Carr likens the Internet's enabling potential to that of the handgun, which became known as "the great equalizer."

Examples of cyberwarfare:

– In 1998, the United States hacked into Serbia's air defense system to compromise air traffic control and facilitate the bombing of Serbian targets.

– In 2007, in Estonia, a botnet of over a million computers brought down government, business and media websites across the country. The attack was suspected to have originated in Russia, motivated by political tension between the two countries.

– Also in 2007, an unknown foreign party hacked into high tech and military agencies in the United States and downloaded terabytes of information.

– In 2009, a cyber spy network called "GhostNet" accessed confidential information belonging to both governmental and private organi-

zations in over 100 countries around the world. GhostNet was reported to originate in China, although that country denied responsibility.

Back to cybercrimes, when any crime is committed over the Internet it is referred to as a cyber crime. There are many types of cyber crimes and the most common ones are explained below:

Hacking: This is a type of crime wherein a person's computer is broken into so that his personal or sensitive information can be accessed. In the United States, hacking is classified as a felony and punishable as such. This is different from ethical hacking, which many organizations use to check their Internet security protection. In hacking, the criminal uses a variety of software to enter a person's computer and the person may not be aware that his computer is being accessed from a remote location.

Theft: This crime occurs when a person violates copyrights and downloads music, movies, games and software. There are even peer sharing websites which encourage software piracy and many of these websites are now being targeted by the FBI. Today, the justice system is addressing this cyber crime and there are laws that prevent people from illegal downloading.

Cyber Stalking: This is a kind of online harassment wherein the victim is subjected to a barrage of online messages and emails. Typically, these stalkers know their victims and instead of resorting to offline stalking, they use the Internet to stalk. However, if they notice that cyber stalking is not having the desired effect, they begin offline stalking along with cyber stalking to make the victims' lives more miserable.

Identity Theft: This has become a major problem with people using the Internet for cash transactions and banking services. In this cyber crime, a criminal accesses data about a person's bank account, credit cards, Social Security, debit card and other sensitive information to siphon money or to buy things online in the victim's name. It can result in major financial losses for the victim and even spoil the victim's credit history.

Malicious Software: These are Internet-based software or programs that are used to disrupt a network. The software is used to gain access to a system to steal sensitive information or data or causing damage to software present in the system.

Child soliciting and Abuse: This is also a type of cyber crime wherein criminals solicit minors via chat rooms for the purpose of

child pornography. The FBI has been spending a lot of time monitoring chat rooms frequented by children with the hopes of reducing and preventing child abuse and soliciting.

Causes of Cyber Crime

Wherever the rate of return on investment is high and the risk is low, you are bound to find people willing to take advantage of the situation. This is exactly what happens in cyber crime. Accessing sensitive information and data and using it means a rich harvest of returns and catching such criminals is difficult. Hence, this has led to a rise in cyber crime across the world.

History of Cyber Crime

When computers and networks came into being in the 1990s, hacking was done basically to get more information about the systems. Hackers even competed against one another to win the tag of the best hacker. As a result, many networks were affected; right from the military to commercial organizations. Initially, these hacking attempts were brushed off as mere nuisance as they did not pose a long-term threat. However, with malicious software becoming ubiquitous during the same period, hacking started making networks and systems slow. As hackers became more skillful, they started using their knowledge and expertise to gain benefit by exploiting and victimizing others.

Cyber Crime in Modern Society

Today, criminals that indulge in cyber crimes are not driven by ego or expertise. Instead, they want to use their knowledge to gain benefits quickly. They are using their expertise to steal, deceive and exploit people as they find it easy to earn money without having to do an honest day's work.

Cyber crimes have become a real threat today and are quite different from old-school crimes, such as robbing, mugging or stealing. Unlike these crimes, cyber crimes can be committed single handedly and does not require the physical presence of the criminals. The crimes can be committed from a remote location and the criminals need not worry about the law enforcement agencies in the country where they are committing crimes. The same systems that have made it easier for people to conduct e-commerce and online transactions are now being exploited by cyber criminals.

Categories of Cyber Crime

Cyber crimes are broadly categorized into three categories, namely crime against:

1. Individual

2. Property
3. Government

Each category can use a variety of methods and the methods used vary from one criminal to another.

Individual: This type of cyber crime can be in the form of cyber stalking, distributing pornography, trafficking and "grooming". Today, law enforcement agencies are taking this category of cyber crime very seriously and are joining forces internationally to reach and arrest the perpetrators.

Property: Just like in the real world where a criminal can steal and rob, even in the cyber world criminals resort to stealing and robbing. In this case, they can steal a person's bank details and siphon off money; misuse the credit card to make numerous purchases online; run a scam to get naïve people to part with their hard earned money; use malicious software to gain access to an organization's website or disrupt the systems of the organization. The malicious software can also damage software and hardware, just like vandals damage property in the offline world.

Government: Although not as common as the other two categories, crimes against a government are referred to as cyber terrorism. If successful, this category can wreak havoc and cause panic amongst the civilian population. In this category, criminals hack government websites, military websites or circulate propaganda. The perpetrators can be terrorist outfits or unfriendly governments of other nations.

How to Tackle Cyber Crime

It has been seen that most cyber criminals have a loose network wherein they collaborate and cooperate with one another. Unlike the real world, these criminals do not fight one another for supremacy or control. Instead they work together to improve their skills and even help out each other with new opportunities. Hence, the usual methods of fighting crime cannot be used against cyber criminals. While law enforcement agencies are trying to keep pace with cyber criminals, it is proving to be a Herculean task. This is primarily because the methods used by cyber criminals and technology keeps changing too quickly for law enforcement agencies to be effective. That is why commercial institutions and government organizations need to look at other methods of safeguarding themselves.

The best way to go about is using the solutions provided by Cross-Domain Solutions. When organizations use cross domain cyber

security solutions, they can ensure that exchange of information adheres to security protocols. The solution allows organizations to use a unified system comprising of software and hardware that authenticates both manual and automatic transfer and access of information when it takes places between different security classification levels. This allows seamless sharing and access of information within a specific security classification, but cannot be intercepted by or advertently revealed to user who is not part of the security classification. This helps to keep the network and the systems using the network safe.

Cross Domain Solution offers a way to keep all information confidential by using safe and secure domains that cannot be tracked or accessed. This security solution can be used by commercial and governmental organization to ensure an impenetrable network while still making sure that users can get access to the required information easily.

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THE PREVENTION OF ROAD TRAFFIC ACCIDENTS

Motor vehicle accident is the unintended collision of one motor vehicle with another, a stationary object, or person, resulting in injuries, death and/or loss of property. Motor vehicle accidents are also known as road traffic accidents [1].

Road accidents are undoubtedly the most frequent and, overall, the cause of the most damage. The reasons for this are the extremely dense road traffic and the relatively great freedom of movement given to drivers.

According to the Association for Safe International Road Travel (ASIRT) nearly 1.3 million people die in road crashes each year, on average 3,287 deaths a day. An additional 20-50 million are injured or disabled. More than half of all road traffic deaths occur among young adults ages 15–44. Road traffic crashes rank as the 9th leading cause of death and account for 2.2% of all deaths globally. Moreover, each year nearly 400,000 people under 25 die on the world's roads, on average over 1,000 a day. Unless action is taken, road traffic injuries are predicted to become the fifth leading cause of death by 2030 [2].

As stated by the latest World Health Rankings (WHO) data published in May 2016, road traffic accidents deaths in Ukraine reached 5,048 or 0.77% of total deaths [3].

It is important to note however, that in case of a major accident occurring in a road with traffic, you should direct the traffic whilst taking care of your own safety (signal and mark the accident spot). Do not touch or move the seriously wounded unless there is a risk of fire or toxic fumes.

It could also be said that it is the duty of witnesses to alert the rescue services and to give them the exact location and nature of the accident, the type of vehicle involved, the characteristics (code number) of any dangerous substances and the likely number of victims. Witnesses should also give their names and addresses. After the accident it is essentially to keep calm and avoid panic. Also you should follow the instructions of the intervening bodies and of the rescue personnel. And furthermore, if possible, and if necessary, collaborate with the rescuers and with the judicial authorities and experts in charge of the investigation [4].

We all know speed is a major factor in many accidents. However, not all accidents are caused by speed and not all accidents are preventable. Many accidents can be prevented and in those that are not preventable, the damage could be lessened. Here are some tips to help you prevent traffic accidents:

– drive according to road conditions. Drive slower when the weather is bad. Road surfaces deteriorate in rain, ice or snow. The ability to stop quickly greatly reduces when the roads are not dry;

– keep your vehicle in good mechanical order. Replace worn tires and brakes as needed. Keep windshield washer fluid full and change out windshield wipers on a regular basis;

– wear your seatbelt. Not only do seatbelts keep you safe in an accident, it will help you avoid accidents as well. Seatbelts will hold you in place during an aggressive manoeuvre. Remember to make your passengers buckle up, too. Children should always be in a booster seat or car seat until they are tall enough and heavy enough to sit by themselves. This generally includes children age eight and under. Never put a child in a car or booster seat in the front passenger seat or other seat with airbags. Children should generally be 12 and older when sitting in the front passenger seat;

– avoid other vehicles. Back off and don't tailgate or allow others to tailgate you. Try to avoid driving next to another vehicle in case it has to swerve to avoid an animal or debris that may be in the road;

– watch out at intersections as many accidents happen here. Always slow down and look both ways at intersections. Don't assume the other vehicles will stop just because the light is red. There is always someone trying to get through the intersection during a yellow light;

– turn your head to check for traffic before changing lanes. Do not rely on your mirrors when making a lane change. All vehicles have "blind spots" in which your mirrors cannot see. Do not ride in the blind spots of other vehicles;

– look extra carefully in parking lots or parking areas. Many fender-benders happen in these areas. Follow the rules set up in parking areas. These rules are for the safety of all drivers;

– slow down. Obey the speed limit even if every other car is surpassing it. Remember that police officers often stay hidden from view while looking for speeders.

– never get into a car with a drunk driver. It is always best to have a "designated driver". Never drive after you have had alcoholic beverages. Even one beer can alter your ability to drive safely.

– keep your eyes moving. Don't get in the habit of staring at the back of the car ahead of you. Periodically shift your eyes to the side-view mirrors, the rear-view mirror, and ahead to where you'll be in 10–15 seconds. Doing this, you can spot a potentially dangerous situation before it happens [5].

The prevention of road accidents is extremely important and must be ensured by strict laws, by technical and police controls, ongoing training for drivers (especially those involved in the transport

of dangerous substances) and, if need be, by legal and administrative penalties for those responsible.

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ECONOMIC RIGHTS AND FREEDOMS OF UKRAINIAN CITIZENS

The nature of the cooperation between the state and individuals is an important indicator of the society as a whole, as well as its problems and prospects of development. It is impossible to understand modern society and modern man without studying the diverse human relationships and the state [1].

Economic rights occupy a leading place in the structure of constitutional and legal status of the entity providing economic freedom, developing the ideal of free human beings. This institute economic rights and freedoms of man and citizen is a guarantee of other human rights and citizen in Ukraine.

So, in the general sense economic rights and freedoms are embodied in the Constitution and laws of human potential to ensure and improve their economic well-being.

Under the provisions of the Basic Law of the citizens of Ukraine have the right to:

– business activities (Article 42 of the Constitution of Ukraine);

– work, which includes opportunity to earn his living by work which it freely chooses or freely agrees (Article 43 of the Constitution of Ukraine);

– strike to protect their economic and social interests (those who work), (Article 44 of the Constitution of Ukraine);

– rest (anyone who works), (Article 45 of the Constitution of Ukraine) [2].

The right on entrepreneurial activity

According to Art. 42 of the Constitution of Ukraine, everyone has the right to entrepreneurial activity that is not prohibited by law. The entrepreneurial activity of deputies, officials and employees of state and local government is restricted by law.

The State ensures the protection of competition in business. Not allowed abuse of dominant position in the market, unlawful restriction of competition and unfair competition. The types and limits of monopolies are determined by law. The state protects the rights of consumers, exercises control over the quality and safety of products and all kinds of services and activities, and promotes the activity of public consumer.

According to ch. 4. All 13 subjects of property rights equal before the law.

Businesses (entrepreneurs) may be: citizens of Ukraine and other countries are not limited by law in capacity or capacity; legal entities of all forms of ownership.

Persons, who court prohibited to engage in certain activities, cannot be registered as entrepreneurs with the right execution of the activity before the deadline set by the court verdict.

The right to work

Art. 43 of the Constitution guarantees everyone the Ukraine:

– equal opportunities in the choice of profession and activities;

– the right to proper, safe and healthy working conditions;

– Law on salaries;

– the right to timely payment for labor;

– protection against unlawful dismissal.

Violation of labor legislation and labor protection entails administrative and criminal responsibility.

The right to strike and its implementation

Article 44 of the Constitution of Ukraine said that those who are employed have the right to strike to protect their economic and

social interests. The procedure for exercising the right to strike is established by law with the need to ensure national security, health, rights and freedoms of others. No one can be forced to participate or not to participate in the strike. Barring a strike is possible only on the basis of law. Forbidden to strike provided that the termination of employees poses a threat to life and health, the environment or prevent spontaneous prevent evil, accidents, disasters, epidemics and epizootic diseases or response. Prohibited the strike workers (except technical and service personnel) prosecutors, courts, Armed Forces of Ukraine, government, security and law and order.

The right to rest

Article 45 of the Constitution of Ukraine says everyone who works has the right to rest. This right is ensured by providing weekly rest days and paid annual leave, by establishing a shorter working day for certain professions and industries, and reduced working hours at night. It contains the maximum working hours, minimum duration of rest and paid annual holidays, weekends and holidays, as well as other conditions for exercising this right by law.

The law established the following rest periods:

– breaks during the working day (shift);

– daily rest (break between shifts);

– rest weekly;

– holidays;

– vacation.

Weekly uninterrupted rest (weekends)

Relax next to the main labor is the social situation in which a person is his life, except in childhood. The work necessarily must be alternated with rest.

During of rest time should be understood as the time during which workers and employees released from their work duties and can use it on your own. The current labor legislation provides the following recreational activities: a break in the working day; daily (alternating between) rest; weekly uninterrupted rest (weekends); annual non-business (holiday) days; annual leave.

During the working day workers and employees should be given a break for rest and meals. It is given usually four hours after the start of and lasts no more than two hours.

On holidays only permitted to work, which cannot cease because of production-technical conditions (going concern), the work

caused by the need to service the population, as well as urgent repairs and handling.

Working holiday is paid double. At the request of an employee who worked on a holiday, he may be given another day of rest (time off).

Vacation

Vacation is a time of rest, which is calculated in calendar days and provided workers with preservation of employment and wages [3].

So, therefore protect the economic rights and freedoms of man and citizen in the modern world – a hot topic for academic discussion and practical problem solving for the international community due to the fact that, thanks to the protection of economic rights and freedoms of the conditions for the proper development of the human person, which certainly contributes to the development of society, increases the authority of the government and the state in general.

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LAW ENFORCEMENT AGENCIES IN DIFFERENT COUNTRIES

Police is a body of officers representing the civil authority of government. Police typically are responsible for maintaining public order and safety, enforcing the law, and preventing, detecting, and investigating criminal activities. These functions are known as policing. Police are often also entrusted with various licensing and regulatory activities.

"Police history" predates the evolution of the "police" as a permanent occupational group within a bureaucratic institution, providing the primary state response to crime and disorder.

That was primarily a development of the 19th century and a reaction to the rapid social change of the industrial revolution and rapid urbanization. Prior to 1800, governments maintained order by a variety of means, local and national. One of the key historical debates concerns the effectiveness of these approaches and the degree of continuity between the premodern and modern police models.

Around 1800 a small number of distinctively different types of police institution emerged. The French, under Napoleon, instituted the Gendarmerie, a state military police model. It evolved from the "Marechaussee", which had had a dual military and civil function since the 16th century. The model was exported across Europe by Napoleon. The British developed two models.

The first, set up to answer similar challenges to the Gendarmerie in France, was the Royal Irish Constabulary model. It was close to the state military model, but distinctively styled as part of the civil power of the state and subordinated to the Magistracy. The Irish model was subsequently exported to Britain's colonies and became the basis of forces such as the Indian Police Service.

The Metropolitan Police was consciously created as a local force with a uniform that was deliberately different from the military and a mission that focused on prevention of crime rather than the repression of disorder. This state civilian model became the basis for all UK forces on the mainland and the principal influence on the development of East Coast US policing in the 1840 s.

As the three models have developed and evolved in different political systems over the years since 1800, they have both diverged and converged in various ways. There has been significant convergence in the basic disciplines of policing.

However, the governance of the police, the use of force, and the management of public disorder have, in many cases, remained quite distinct in the late 20th and early 21st centuries. This bibliography has been organized by national histories. This is, in some ways, the easiest way to organize the material, but it also presents some difficulties in showing some of the crosscutting issues and challenges.

In many countries, particularly those with a federal system of government, there may be several law enforcement agencies, police or police-like organizations, each serving different levels of government and enforcing different subsets of the applicable law.

In China, civilian police is mainly done by the People's Police, also known as the Public Security Bureau or PSB, although the paramili-

tary police, the People's Armed Police, is still prominent. The People's Police is in the administration is Ministry of Public Security, and the People's Armed Police is under the joint administration of China's People's Liberation Army and the Ministry of Public Security.

Germany is a federal republic of sixteen States (Land). Each one of those States has its own police force called Landespolizei (State Police) that is providing the basic law enforcement and crime fighting. Each Landespolizei is supervised by the respective State Minister (or, in the City States of Bremen, Hamburg and Berlin, the Senator) of Internal Affairs.

The Federal authorities have law enforcement agencies as well:

– the Bundeskriminalamt (BKA, "Federal Crime (or Criminology) Office") which is only responsible for cases which are exceeding the borders of a single State, or for cases of international dimension.

– the uniformed Bundespolizei (BPOL, in casual language also BuPo; "Federal Police"). Until 2005, the BPOL was called Bundesgrenzschutz ("Federal Border Protection"), but after expanded competences (e.g. for the railways) in the 1990s and the abolition of border controls in the European Union, its name was changed to emphasize the law enforcement (=police) nature of the corps in an international context.

The Israeli Police (Mishteret Yisra'el) is the police force for the State of Israel. It is headed by the commissioner Rav-Nitzav Dudi Cohen and falls under the jurisdiction of the Ministry of Public Security. The Israeli Police has a military corps called the Border Guard (MAGAV), which has its own elite counter-terrorist units, as well as the Civil Guard ("Mishmar Ezrahi") made up of volunteers.

Police in Japan are an apolitical body under the general supervision of an independent agency, the National Police Agency, and free of direct central government executive control. They are checked by an independent judiciary and monitored by a free and active press. The police are generally well respected and can rely on considerable public cooperation in their work.

The police in Ukraine are called поліція (Politsiya). The National police of Ukraine is a principal organ of the executive authority which serves a society providing safeguarding a person's rights and freedoms, crime counteraction, maintenance of public safety and order.

In the United States, the FBI (Federal Bureau of Investigation) and other federal agencies such as the United States Secret Service, US Marshals, United States Park Police, United States Capitol Police,

and the United States Pentagon Police are limited to the enforcement of federal laws and usually specialize in certain crimes or duties, but do enforce some state laws. Most crimes constitutionally fall under the jurisdiction of state police or the thousands of local police forces. These include county police or sheriff's departments as well as municipal or city police forces. Many areas also have special agencies such as campus police, railroad police, housing police, or a district or precinct constable.

The International Police is a functional organization made up of police officers from all over the world, serving mostly under the direction of the United Nations, to help train, recruit, and field police forces in war torn countries. The force is usually deployed into a war torn country initially acting as the police, and bringing order. In the process, they recruit and train a local police force, which eventually takes on the responsibilities of enforcing the law and maintaining order, whereas the International Police then take on a supporting role. To date, International Police forces have been deployed to East Timor, Haiti, Kosovo, Bosnia, Iraq, Afghanistan, Sudan, Liberia, Croatia, and Macedonia, among others.

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CONCEPT AND FEATURES OF MILITARY FORMATION

The state independence, its territorial integrity and inviolability of its borders, stability and power capacity are essential factors of society. The most important means of initiating democratic society is

full use of state power tools – power structures, as guarantor of the proclaimed rights and freedoms.

Nowadays, there are no fundamental research concerning the meaning and content of the term "military force". Relevance of the study of the topic is confirmed by the fact that there are no exhaustive list of military formation in any normative legal acts and scientific studies. Mostly, scientists, following the legislator use limited list of several formation hat are defined by law as the military, and add the phrase "and other military formations". Thus, the present situation about the uncertainty of the legal status of power structures and the problem of their assignment to military forces, paramilitary forces, not armed (paramilitary) forces or the police.

The legal definition of military formation can be found in art. 1 of the Law of Ukraine "About defense of Ukraine" [1], according to which – it's "... established according the laws of Ukraine set of military formations and units and controls of them, which are completed by soldiers assigned to defend Ukraine, protect its sovereignty and state independence and national interests, territorial integrity and inviolability in the event of armed aggression, armed conflict or threat of attack by direct warfare (combat) actions.

Thus, we can identify common grounds for referring a particular formation of the military:

– appointment to defence the sovereignty, territorial integrity and inviolability of state from external aggression by direct warfare;

– personnel manning that have military rank and performing military service;

– distribution to personnel social and legal protection conditions pension is provided for the military.

In addition, the ground assigning formation to military is a direct indication of its status as a special law.

Based on these criteria concerning military units Ukraine include:

1) the direct orders of the legislation – the Armed Forces of Ukraine (Art. 1 of the Law of Ukraine "On the Armed Forces of Ukraine" [2]), the Foreign Intelligence Service of Ukraine (Art. 1 of the Law of Ukraine "On the Foreign Intelligence Service of Ukraine" [3]) and security Service of Ukraine (p. 22, Art. 85 of the Constitution of Ukraine);

2) the function of protecting the country by direct warfare – Armed Forces of Ukraine, the National Guard of Ukraine and the

State Special Transport Service. It is necessary to note that "direct warfare" according to [1] to equalize with "participation in territorial defense" and "the actions of territorial defense" is not identical concepts;

3) on the basis of personnel manning that have military rank and performing military service and who have social and legal protection, pensions provided for the serviceman – the Armed Forces of Ukraine, the National Guard of Ukraine, the State Border Service of Ukraine, the Security Service of Ukraine, State foreign intelligence Service of Ukraine, the state special transport Service of Ukraine, the state guard.

Thus, in accordance with the law, all signs of belonging to the military formation present only in the Armed Forces of Ukraine.

Nowadays the Ukrainian military formations include the Armed Forces of Ukraine, the National Guard of Ukraine, the State Border Service of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the State Special Transport Service of Ukraine, the State Guard. However, all of them, except the Armed Forces of Ukraine, the State Special Transport Service and the National Guard of Ukraine do not correspond to the statutory definition of military formation.

Despite the fact that all these formation belong to the state military organization, they are significantly different in legal status, but also by subordination.One common thing – it is their personnel manning. Analyzing the historical course and development of Ukrainian military formation, we can reach the conclusion that the lack of a systematic approach to reform strategic planning about further development of the state military organization and its bodies. A huge problem is that the reform of the power structures almost made by them.

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NORMATIVE LEGAL ASPECTS OF LEGAL WORK AS PART OF CIVIL DEFENSE DEVELOPMENT

Legal work as a phenomenon of reality in one form or another arises with the appearance of law. Legal work SESU is relatively independent type of management, which aims correct use of normative legal acts by organs and units SESU, strict adherence to and prevent non-compliance legislation and other normative legal acts by managers and employees during the performance of their tasks and functional responsibilities, as well as representing the interests of Ukraine and units SESU in court.

It is known that legal normative activities is a part of the legal work, which perfoemed with the aim of development and further effective application of normative legal acts in their daily work bodies and units civil protection.

In our opinion, the legal work in the public service of SESU – it's a complex of planned, systematic, coordinated and combined organizational and legal measures carried out by the management of legal and other services, commanders (chiefs) aimed at the development, compliance, performance, usege and application in daily activities by bodies and departments of civil protection legislation of Ukraine, aimed at strengthening law and order, service and labor discipline to educate employees that know the laws for successful implementation of Ukraine civil protection reform.

At the same time, the availability of improved laws still does not solve the challenges and goals that arise when determining the law. An important component of this multi-faceted process (reforming civil protection) is law enforcement activities, the content of which is to ensure compliance management solutions to the current legislation.

In our opinion building long-term plan for reform of civil protection at the local levelthat is in a single unit and especially in Ukraine, needs legislative work SESU organize, divided into specific interconnected blocks, namely:

1) the work on draft laws, other regulations, developed in government and sent back for approval;

2) work to ensure that management acts issued by the heads, as required by laws and regulations in force in Ukraine;

3) work on the revision of the management regulations to bring them into compliance with the law.

This block activities carried out to improve the legal regulation of social relations that arise in the process of reforming SESU, issues that arise in practice in the elimination of existing regulatory – legal acts of outdated regulations, contradictions and plurality of acts on similar issues.

One of the characteristic features of modern legislation is its dynamism, variability, striving to adapt to existing relationships, to settle it and created. Legislation development includes not only the adoption of new regulatory acts, but also amendments, additions and instructions regarding termination of existing documents.

Equally important is the input unit of reference for the activities of normative legal acts of Ukraine, acts of government, etc.

Analyzing the sources of the existence and causes of improper or improving certain elements of the reforms, civil protection through regulatory and legal aspects of legal work in Ukraine DSNS can identify some ways of the legal system to address these reasons making to the local level legal regulation of the relations that have essential features in different territorial regions of our country. That legal introduce decentralization in the creation of regulations of the Civil Code reform at the political level. This will introduce a regulation that will be more responsive to the needs and ideas of employees Ministry of Ukraine; define in law the procedure for promotion among employees of laws and other regulations in the media, at the place of service, training and so on.

Also to reform the civil defense of Ukraine through the prism elements DSNS legal work in Ukraine, in our opinion, should introduce a system of evaluation of the state of law, which is a form of control of the heads of legislative requirements, orders DSNS Chairman and his deputies. Assessment of the legal work should be conducted DSNS representative of the Legal Service of Ukraine, and he, in turn, should be part of the inspection (inspection commission) on the main elements engaged in legal work.

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1. Postanova Kabinetu Ministriv Ukrayiny` vid 16.12.2015 # 1052 «Pro zatverdzhennya Polozhennya pro Derzhavnu sluzhbu Ukrayiny` z nadzvy`chajny`x sy`tuacij».

2. Nakaz DSNS Ukrayiny` vid 25.04.2013 # 186 «Pro zatverdzhennya Metody`chny`x rekomendacij shhodo organizaciyi pravovoyi roboty` v golovny`x upravlinnyax (upravlinnyax) DSNS Ukrayiny` v Avtonomnij Respublici Kry`m, oblastyax, mm. Ky`yevi ta Sevastopoli, na pidpry`yemstvax, v ustanovax, organizaciyax i special`ny`x formuvannyax sfery` upravlinnya DSNS Ukrayiny`».

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FREEDOM OF RELIGION IN THE UNITED STATES BY HAROLD J. BERMAN

The development of the state in the US has passed through various stages of reflection and consolidation in the social consciousness of the role of the Church to the human community, freedom of religion, tolerance and religion.

Renowned American scholar, historian and philosoph of law, scholar issues of faith, religion and law Harold J. Berman at work "Faith and Order: The Reconciliation of Law and Religion" [1] made a philosophical and legal analysis of the problem by the example of the United States.

Harold James. Berman points out that the creators of the American federal constitution and state constitutions acutely aware of historical experience, which refers implicitly phrase "church and state". At the federal level, and eventually in all states they have chosen new and different from previous decisions, the right of all people, both individually and in groups to freely practice their religion without government restrictions and obligations of the government to exercise its authority and its functions without their identification with religion. However, the fact that religion and state power should be free from the control of each other, is not understood as mutual exclusion of each other. As Nunen said, it is not required from officials to forget their religious duties on the verge of state institutions [1, p. 229].

Harold J. Berman notes that the main social roles and functions of religion and government in the US today significantly changed.

The difference between the former and the present situations is quite obvious. In the 1780 s religion played a major role in "public life", and state power – a relatively minor, though necessary, supportive role. In the 1980s, religion plays a relatively minor, though necessary, supportive role and state power – the main. On the other hand, the role played by public authorities in the public life of America in 1790s subject to a frank and strong influence of religion and defined it, whereas in 1980s, when the role of religion in public life of America is subject openly and strongly influence state and it is determined, it appears much less, and in many ways not evident at all [1, p. 230].

Harold J. Berman describes the inevitable transformation of America from a nation that at first called themselves Protestant to a nation of many religions, which include not only the numerous varieties of Protestants, Catholics, Jews and Muslims, but also a variety of other groups whose beliefs, although not theistic, nevertheless have significant similarities with religion and perform many of its functions. Most of these theistic beliefs and non-theistic now largely defined in terms of privacy, not in terms of a combination of personal and social life or public and civic duty.

Thus, points to two paradoxical situation, which found itself America because of (a) of the Constitution, which at the time when assumed, provided active role of religion, on the one hand, and the relative passivity of the government in various spheres of public life, from second, and (b) the epoch when, on the one hand, its public, that is civil, or social functions are increasingly absorbed that now because of this reason can be rightly called secular state [1, p. 231].

Describing the development of democratic relations between church and state, religion and public authorities in the establishment and development of the United States, Harold J. Berman notes the usefulness of the social role of religion in a number of areas of public life: family, education, social welfare, law and so on. The scientist stressed that in the past the role of government in helping the poor was minimal (comparatively the fact that it has become in the twentieth century) and the role of religion – the maximum [1, p. 236]. This is possible thanks to the establishment of pluralistic public attitudes to freedom of religion.

Early in the history of US state power acted as the achievement of the goals set by religion. In modern time "in public life religion and state authorities fully swapped" [1, p. 236]. Religion has lost

much of its importance in the public addressing major social problems. Religion is becoming more a matter of private relations between believers and God. Worship is collective, and churches continue to play an important role in the lives of individual people and interpersonal relationships of its members, but irregular worship assembly members make only a small contribution to the social needs of society [1, p. 238].

Freedom of religion in the United States, by Harold J. Berman is the fact strengthening American democracy in which religion given pride of social position.

Harold J. Berman rightly observes that "America is now seeking public philosophy, able to look beyond our pluralism and see the common beliefs that lie at its core. We must understand that freedom of belief – includes free and disbelief – after all is based on faith, not skepticism. This is what meant John Adams when he said that the Constitution guarantees freedom to believe or not to believe "was created only for a moral and religious people. And it is not suitable to control any other people". It can't be seen as a tool created for society, "composed of foreigners ... each with their religion, people, previous non-public bonds and having no sympathy for any common memories of the past" [1, p. 241].

At the same time, Harold J. Berman, noting the need to develop social philosophy stresses the need for a serious approach to the deep conflict between orthodox religious creeds and widespread indifference or opposition to them. "In the past we tried to resolve this conflict, mostly trying to ignore it. We pretended that all faith, as religious and non-religious – a private matter of each individual. This prevented the formation of social philosophy based on our indigenous beliefs about human nature and human destiny, and the sources and limits of human knowledge" [1, p. 241].

Quite interesting is the idea of Harold J. Berman perspectives on interpretation of the concept of "freedom of religion". Scientist notes that the revision of ideas of Adams and Madison that freedom of religion can be strong only when it belted religious faith, could lead to a new interpretation of the relationship between norm that prohibits Congress "to make laws that establish religion", and the provisions of the "freedom of religion" – a new treatment that will not only "religion" work with "state power", but also "public authorities" openly cooperate with "religion" – no discrimination, or rather the

superiority of one's faith (and therefore without establishing a state religion) and without coercion (and therefore without restricting freedom of religion) [1, p. 242].

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CRIMINAL BRIBERY AND CORRUPTION LIABILITY UNDER GERMAN LAW

Criminal liability in the public sector

Generally, bribery and corruption are regulated under the German Criminal Code (*Strafgesetzbuch)*. On one hand corruption of public officials is unlawful in circumstances where an individual person offers, promises or grants a public official an advantage for the accomplishment of an act which is contrary to his or her duty (Section 334 of the Criminal Code – *Strafgesetzbuch*) or in accordance with his or her duty (Section 333 of the Criminal Code). These rules apply regardless of whether the act has occurred or have yet to occur. On the other hand the public official acts unlawful in these situations if they accept an advantage (Sections 331 and 332 of the Criminal Code).

Is commercial bribery and bribery of foreign agents illegal?

Corruption in the course of business and trade is also unlawful (Section 299 of the Criminal Code). It occurs if, during the course of a business transaction, an employee or agent intentionally demands, allows himself to be promised, or accepts a benefit for himself or another as consideration for giving an unfair preference in the competitive purchase of goods or commercial services. To be guilty of active commercial bribery, the defendant must have acted "for competitive purposes" to obtain "an unfair preference in the purchase of goods or commercial services." Passive commercial bribery requires the recipient to accept (or allow to be promised) a briber "as consideration

for according an unfair preference to another in the competitive purchase of goods or commercial services".

Further, active commercial bribery of foreign employees/agents requires the defendant to act "in order to obtain or retain an unfair preference in a competitive purchase or an unfair advantage in international business transactions".

Prosecution and penalties: Bribery in commercial practice is prosecuted only upon a criminal request or if the prosecutor's office considers ex officio that criminal proceedings are required because of a special public interest.

As regards penalties, individuals convicted of committing a bribery offence in commercial practice shall be liable for a term of imprisonment between three months and five years (in less serious cases, imprisonment for not more than three years or a fine). That sanction applies for each count of bribery, however, the total term of imprisonment must not exceed 10 years. Individuals are also subject to confiscation of the gross profit or revenue obtained as a result of the bribery offence.

Is the law applied extraterritorially?

The prohibition in principle applies to both domestic and foreign corruption. Companies are guilty of an administrative offence if their management has failed to fulfill the supervisory measures required to prevent bribery by employees of the company (Section 130 of the Administrative Offences Act). For that reason one has to start off by asking in what circumstances persons who are working or acting for foreign companies may be prosecuted for foreign bribery, thereby rendering the companies criminally accountable (i.e. it is irrelevant whether the company involved is a domestic or a foreign one).

Finally, acts committed by German citizens or acts committed against either German or other EU member state public officials are unlawful, regardless of where the criminal offences have been committed.

Bribery in public office: German anti-bribery and corruption law prohibits giving to (offer, promise or grant), and taking (demand, allowance or acceptance) benefits by a public official for himself or another in connection with the discharge of an official duty (Section 331 StGB) or the past or future performance of an official act that violates his official duties (Section 332 StGB).

Electoral bribery: Buying and selling votes for an election or ballot by delegates is under scrutiny of German anti-bribery and cor-

ruption law (Section 108e StGB). Likewise, granting or accepting gifts or benefits for voting or not voting in a particular manner is equally prohibited (Section 108b StGB) (see above).

What are the potential penalties?

Individuals: The penalties for individuals range from fines to imprisonment whereas the sanctions apply to each count of bribery. The maximum aggregate sentence is, however, 10 years. The penalties according to the offense type are:

1. Bribery in public office – fine or imprisonment up to 3 years, in serious cases up to 10 years;

2. Bribery in commercial business transactions fine or imprisonment up to 5 years, in serious cases up to 5 years;

3. Electoral bribery fine or imprisonment up to 5 years.

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FEATURES OF INSPECTION OF DOCUMENTS DURING THE INVESTIGATION OF FRAUD ASSOCIATED WITH THE ACTIVITIES OF THE CREDIT UNION

The success of investigation of the fraud involves the need for timely and tactically correct implementation of individual investigative (search) actions, determining their optimal sequence and the feasibility of realization. The term "investigative action" is the most used in practical activities of the bodies of preliminary investigation and the prosecutor’s office, they are held every day by the officials of these bodies. In other words, the investigative actions are procedural actions implementing to obtain evidentiary information, gathering,

research and verification of evidences. They have cognitive and procedural legal nature.

Criminal procedural code of Ukraine (hereinafter the CPC of Ukraine) provides this definition of investigative (search) actions – these are actions aimed at gathering (collecting) evidences, objects and documents or the check of the evidences always received in a specific criminal proceedings (p. 1 of art. 223 of the CPC of Ukraine) [3].

With the help of investigative (search) actions the circumstances of the crimes are being revealed, the circumstances being subject of evidence are being investigated. Such circumstances, as it is pointed out by V. K. Arit, include: the place of withdrawal of material values, money, and whether this is confirmed by the existence of a shortage or surplus in the enterprise; the number of persons participating in committing the crime, their job position and functional responsibilities; method of committing a crime, as well as actions to conceal the crime; the subject of a criminal assault, the dimensions of damages; who is involved in the crime and how the functions were distributed among the participants; whether the crime was committed by an organized group; which is duration of criminal activity; connections of criminals with corrupt individuals of controlling and law enforcement bodies, whether the facts of criminal activity are associated with bribery, misuse of position, tax evasion, etc.; factors that influenced the situation of their commission; what are the causes and conditions that contributed to the commission of crimes [1, p. 106].

The most common primary investigative (search) action is the inspection of the scene, which is a type of inspection. In accordance with the regulations of article 234 of the CPC of Ukraine, the inspection is investigative (search) action during which the condition, the properties and characteristics of material objects are revealed, directly perceived, assessed and recorded with the purpose of obtaining the actual data of importance for establishing the truth in criminal proceedings. According to the part 3 of the article 214 of the CPC of Ukraine, in urgent cases it can be carried out before entering data to the Unified register of pre-trial investigations. Such data should be entered immediately after the completion of the inspection. It is held by the investigator or prosecutor with the purpose of identifying and fixing data on circumstances of commission of a criminal offense (part 1 of article 237 of the CPC of Ukraine) [3].

The inspection should provide the possibility of identifying and fixing traces of a crime within the situation of any scene; cover the techniques and methods of a comprehensive research of any object of the material nature. In many cases, the success of the investigation as a whole depends on timely and qualitative investigation of the scene. A scene examination is an initial and urgent investigative action. This is due to the need of receiving information about the circumstances of the incident in its original, unaltered state, as any delay entails the loss of evidences, change of trace picture. The urgency of investigation of the scene is also due to the need for timely information with the purpose to organize the search for the perpetrator, as well as to conduct other investigative actions aimed at the disclosure of the crime [3, p. 218].

During the investigation of economic crimes the investigation has its own characteristics. The basis for its carrying out is sufficient information indicating the possibility of achieving the following objectives: detection of traces of the crime, physical evidence, establishment of the mechanism of committing a crime, etc.

These data can be installed during the inspection of documents during the investigation of the fraud associated with the activities of the credit union (hereinafter – CU). The forensics considers a document as a material object, on which by means of signs, symbols and other elements of natural or artificial language the information about the facts of legal significance is recorded. For the investigation of the fraud in the sphere of activities of the CU, the distribution of documents depending on information reflected in them can be performed:

1) the documents that are criminal in nature and are the means of criminal activities (e.g., fake passports of the organizers of CU);

2) the documents having a legitimate origin, but were used for the implementation of criminal intent (e.g., documents of economic activities of CU);

3) the documents that have informational, educational and orienting value to establish the circumstances constituting the subject of evidence.

The investigation of the document is a investigative (search) action which consists in studying and researching documents to identify and record characteristics giving them the value of physical evidences and in establishing the authenticity of the documents or the stated facts in them [4, p. 236].

The inspection of documents allows organizing and planning correctly the further investigation. Among all types of inspection, in our case, the document inspection is the most informative means of gathering evidence. The means of gathering documents as sources of evidence information are search, the provision of documents by individuals and legal entities on their own initiative or at the request of the bodies of pre-trial investigation (temporary access to the documents).

The work of the investigator with the documents is carried out in two phases. The first of these is the establishment and analysis of external characteristics and requisites of the document, and the second one is the analysis of its contents. Both phases are combined with the verification of the nature of operations reflected in the document.

The objectives of the investigation inspection of the documents are in their collection and study. In the process of inspection of the documents in cases of fraud the following tasks should be solved: 1) clarification of general data characterizing the document; 2) establishment of the location of the text that is subject to be examined, its fragments, and signatures; 3) when and by whom the document was issued or produced, to whom it was addressed; 4) on behalf of whom the signatures were made, what is the content of the document evidencing the facts and circumstances relevant to the case; what details it has; 5) whether the document has any signs or texts, inextricably linked with the signatures to be examined; 6) what facts or events are certified by the signatures, seals and stamps, when the text (the signatures) was (were) filled; 7) establishment of the fact of execution of the document or its separate parts by a specific person; 8) establishment of indicators showing the document changes; 9) with what dye the main text, filled details and separate fragments were made; 10) how the text of the manuscript was made; 11) whether the time of the document filling corresponds, judging by the date and time of manufacture of the form of the document; 12) establishment of forgery signs of seals, stamps by their mirror reflection, as well as other tasks.

As a result of this inspection, the investigator determines: what documents should be added to the case as evidence; what documents are missing and what actions should be taken to obtain them; considering what documents a forensic examination is required to be appointed; what documents will help to explore certain circumstances; what documents can be used during the conduct of investigative (search) actions. An inspection of the documents is also important from the po-

sition of the fact that the inspection results can be a reference during the planning of investigation (for example, they can give information about the range of people who need to be interrogated, establish the location of other documents, etc.), as well as determining the location of its carrying out and the sequence of investigative (search) actions.

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DISCRIMINATION AGAINST INDIGENOUS PEOPLES IN TODAY'S RUSSIAN-UKRAINIAN MILITARY CONFLICT IN THE CRIMEA

The UN Declaration on the Rights of Indigenous Peoples establishes the right of indigenous people for representative bodies, media, and religious freedom. Currently these rights of the Crimean Tatars are violated in Crimea; there is no freedom of speech, freedom of peaceful assembly or protest. The representative body of the Crimean Tatar Mejlis is persecuted and illegally recognized in Russia as an extremist organization.

In recent months, repression against the Crimean Tatars and other activists were intensified in the annexed Crimea. The Federal Security Service conducts searches and detention, the Investigative Committee of Russia massively initiates criminal trials. Crimean courts are preparing to announce the verdicts. Such actions of the "law enforcement" authorities are unacceptable.

From the standpoint of international law

Any territorial acquisition or special advantage, which had been captured can not be recognized as lawful [3]. (Resolution of United Nations General Assembly since 14.12.1974) [1]. It is a fundamental principle of Roman law. All legal acts, published in the occupied territory, including any decisions of the investigating authorities and the courts, are illegal. The precedent is ECHR Decision Loizidou (LOIZIDOU) against Turkey from 18.12.1996) [2].

In the middle of a peaceful protest against the occupation in the Crimea some Ukrainian citizens were arrested, namely: deputy chairman of the Majlis Ahtem Chiygoz, Mustafa Degermendzhi and Ali Asanov. We are invoking Russian Federation to cease political persecution of dissidents and civil activists.

Thus, all listed Crimean prisoners are illegally held by Russian Federation as criminals.

The seizure of Crimea by the Russian Federation was accompanied by abductions and tortures of pro-Ukrainian and Crimean Tatar activists, volunteers helping the Ukrainian army as well as journalists, photographers, workers of culture and art whoopenly spoke against the occupation of Crimea or documented the events taking place on the peninsula. However, some ordinary people have been mistaken for the alleged "representatives of radical organizations'.

The body of one of the abductees (Reshat Ametov, a Crimean Tatar) was later found with the signs of tortures. Another several individuals (Ivan Bondarets, Vladislav Vashchuk, Vasily Chernysh, pro-Ukrainian activists) are still not found. Some of the abductees managed to escape. They told about interrogations, humiliation, tortures, and inhuman treatment they went through. Two years after, none of these cases have been investigated by the so-called Crimean authorities, nobody has been punished. Moreover, forced disappearances in the Crimean peninsula still continued in 2015 [5, p. 58–59].

From the standpoint of the Ukrainian law

Judicial decisions which are taken by the Crimean courts are illegal and can be appealed in the Appeal Court of Kiev [1].

In my opinion, Russian Federation have to pay compensation calculated as billions of euros for moral and physical harm caused to citizens of Ukraine, living in the annexed Crimea.

The outrage in the Crimea in regard to the Crimean Tatars and civil activists according to the Rome Statute of the International

Criminal Court is "Genocide" [4]. Genocide is a terrible crime, which falls under the jurisdiction of the International Criminal Court.

The responsibility for these crimes should be assigned to officials involved in all crimes.

Russian Federation has violated all principles of international law, including the tenths principle, the principle of respect for human rights and fundamental freedoms.

While the Crimea have not been returned to the «rightful owner» and the Crimean Tatars with the rest of the prisoners have not been released, sanctions against Russian Federation should go on.

The International Criminal Court has to start it's work about annexation of the Crimea and the military aggression in Donbas.

1. Закон України "Про забезпечення прав і свобод громадян та правовий режим на тимчасово окупованій території України".
2. ECHR Decision Loizidou (LOIZIDOU) against Turkey from 18.12.1996.
3. Resolution of United Nations General Assembly since 14.12.1974.
4. Rome Statute of the International Criminal Court.
5. The peninsula of Fear:Chronicle of occupation and violation of human rights in Crimea.

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THE BAR OF JUSTICE IN THE USA AND ITS PERFORMERS

The aim of the scientific paper is to deal with the organization of the judicial system in the USA and to examine the role of some of the players in the judicial process in order to demonstrate the importance of each to a more unified system of criminal justice.

Spending time in criminal court is like being inside a giant liver. Dark, liver-coloured paneling lines the courtrooms. Recessed fluorescent lighting makes jail-pale defendants look that much more like impure particles, there only to be disposed of. Day after day in these courtrooms, the system gets flushed.

Through this huge filtering mechanism pass the accused drug dealers, murderers, home invaders, crack-heads, bad-check passers, and killer drunk drivers. Striving to keep the sludge moving are the judges of the criminal court.

In most media presentations of the criminal court processing, the judicial encounter is portrayed as a drama staged in four acts: in Act One, the accused is brought into the halls of equity and before the bar of justice; in Act Two, the facts are presented and the testimony is argued before a jury of mirthless souls; in Act Three, the evidence is considered and a judgement is unequivocally rendered, and in Act Four, either a sentence is pronounced or the defendant is released. Furthermore, the cast of characters in such imaginary proceedings is small – there is the accused, represented by a defence attorney who, in turn, is pitted against an aggressive state prosecutor; and there is a judge, a jury, and a small parade of witnesses. In short, the ceremony of the court is usually limited to the pageant of the criminal trial, and to the trial alone – not to the earlier stages of the judicial processing or to the other persons crucial to the functioning of judicial proceedings.

Unquestionably, the processing of criminal cases through the American courts is not without dramatic moments and characters. There are many forms of modern legal magic that put together the words and music of legislation and judicial interpretation; there courtroom layers and wizards who dissect the reason and confusion of legal axioms and ideals; there are procedural practitioners who use justice and emotion to remake legal science into legal engineering; and there is the compromised unbinding of justice, which forces the spirit of fair-minded legal reasoning into states of judicial chaos. All of these reflect the melodrama and romanticism of the judicial process. At the same time, there are also the little-known figures in the judiciary process who, together with many other components of the court process, represent the backbone of the American court system.

The major participants in the criminal judicial process in the USA are the judge, the prosecutor, the defence attorney, and the accused. However, there may be many others present, depending on the particular phase of the process, the type of the case, and the level of the court. For example, there may be police officers and witnesses to contribute evidence of innocence or guilt; there may be grand juries and trial juries to consider the nature and importance of the evidence and to render judgement; and there may be certain officers of the court, such

as bailiffs, clerks, and reporters, who attend to certain administrative matters. Finally, there are others with only quasi-judicial functions, such as coroners and medical examiners, whose testimony and judgement may be required in specific kinds of cases. Each of these participants has a specific role in the criminal court processing, and without them various phases in the judicial system would not be fully possible.

Although there are many high-ranking officials at all levels of the criminal justice process, none have the prominence and the prestige of judges, or justices. The courtroom is their eminent domain, and it is there that they are fully responsible for the honest, impartial, and equitable administration of justice. To most observers, they are the ultimate arbiters and symbols of law and order. When they enter a courtroom, everyone rises; when they speak, others listen. Although at times their power to decide a case may be assigned to a jury, it is the judges alone who have the authority to interpret the rules that govern the court proceedings.

The prosecutor, also known as the district attorney, the county attorney, the state attorney, or the US attorney – depending upon the jurisdiction of his or her office – is a government lawyer and the chief law enforcement authority of a community. As an elected or appointed public official, the prosecutor occupies a pivotal and crucial position in the criminal justice proceeding.

The right of a criminal defendant to be represented by a counsel is fundamental to the American system of criminal justice. The reason for this right is the need to protect individual liberties. The defendants facing criminal charges require the assistance of a counsel to protect their interests at every phase of the adversary process and to help them understand the nature and consequences of the proceedings against them. The defence attorney's job is to make sure that the jury does not arrive at the truth.

Thus, the criminal judicial process in the USA has many participants. First, in the courtroom work group are the judge, who serves at the head of the court; the prosecutor, who argues the state's case; the defence attorney, who argues in behalf of the accused; and the accused. Second, there are many others who are significant to the process, depending on the nature of the proceeding, the type of case, and the level of the court. These include police officers, witnesses, victims, grand juries and trial juries, and various officers of the court. Third, there are those with quasi-judicial functions, such as coroners

and medical examiners. Each of these participants has a specific role in the criminal court process, without which given phases in the judicial system would not be fully possible.

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AUTHORITY'S DISTRIBUTION IN NATIONAL SECURITY

While considering the division of powers in the national security must be taken into consideration such constitutional provisions: 1. The national security of Ukraine provided by the President (Article 106 (1)), coordinated by the National Security and Defense Council (Article 107, paragraph 1), carried out by the Cabinet of Ministers (article 116). 2. "National defense, independence and territorial integrity of Ukraine, respect for its state symbols, are the duties of citizens of Ukraine" (Article 65, paragraph 1).

So, at the Constitution of Ukraine there was established a fundamental division of powers and functions of the supreme bodies of state power and duties of citizens of Ukraine in ensuring national security. The main problems in this regard arise in that how should institutions function and interact with national security such as the military, law enforcement and intelligence agencies, as well as what kind of their relationship should be built with the citizens of Ukraine.

The problem of the division of powers or national security institutions in the current law "On National Security", or in other legislative acts is have not considered yet. All these institutions are negotiated as a whole in the form of "state of war". Meanwhile, because of national security associated with obtaining special powers to prevent

the concentration of power in one institution of national security should be one of the main topics of basic legislation in this area.

In fact, according to the law "On National Security" [2] to the institutions of the state military organization include both military units and law enforcement agencies, although the same law last separately. In Article 9, which deals with the distribution of powers of the national security organization relies on military defense of Ukraine to protect its sovereignty, territorial integrity and inviolability of borders; resistance to external military threats [2]. But neither the police nor the Foreign Intelligence Service and the Security Service of Ukraine, do not perform these functions. At the police assigned to combat crime and countering terrorism, to protect and rescue people in case of emergency situations of technogenic and natural character.

This fact is another argument for separating law enforcement and military units on their withdrawal from the military organization of the state. Considering the division of powers of national security we can separate these basic scope of the institutions of national security, military, law enforcement and education. They intersect, forming six main functions of national security:

In practice, of course, this is not a strict requirement to have a certain number of public institutions that balance with each other. The system of national security around the individual is influenced by many factors. However, if we consider the scheme of distribution of powers of national security institutions leading democracies, we can see some common features that differ significantly from those characteristic of modern Ukraine.

Firstly, the Western democracies have "military organization" defense functions assigned to the Ministry of Defence, within which there is military activity all these countries. In contrast, in Ukraine the laws on military service are regulated by activities 7 individual ministries and departments, some of which are also law enforcement and special powers.

Secondly, the main intelligence agencies of Western countries are civilians, and how privilege deprived of enforcement powers. The most famous Western intelligence agencies are the CIA, the British Security Service (MI5), the Secret Service of British intelligence (MI6), Mossad are civil organizations without the rights to law enforcement. FBI is a civilian law enforcement organization with the functions of counterintelligence. Their activities are governed by a civil law and has the functional intersection of the military depart-

ments. In contrast, Ukraine security services consist mainly of military and have broad law enforcement powers.

These differences in the institutions of national security constitute an obstacle to full integration of Ukraine into European and transatlantic security structures.

Experience of leading Western democracies gives two basic models of distribution of powers major national security institutions, which may be called American and European. Both of them all military functions, including military intelligence and military counterintelligence assigned to the Ministry of Defence. In the European system of civilian intelligence within the competence of the executive. In Britain, for example there is a specialized agency of the Ministry of Foreign Affairs. Civil counterintelligence is attributed to the interior, but it lacks enforcement functions is not entitled to hold, conduct preliminary investigations and also to conduct the inquiry.

1. The Constitution of Ukraine, adopted by the Verkhovna Rada of Ukraine June 28, 1996 // Supreme Council of Ukraine (hereinafter – BD). – 1996. – № 30. – Art. 141.

2. The Law of Ukraine on June 19, 2003 № 964-IV "On National Security of Ukraine" // BD. – 2003. – №39. – Art. 351.

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THE ANALYSIS OF THE LEGAL STATUS OF MILITARY IN THE UKRAINE ENFORCEMENT

The concept of law enforcement is widely spread in legal literature. Law enforcement has dozens of aspects. The political, administrative and legal means it is aimed at blocking social deviations, localization of social tensions or legal conflicts. It includes the following areas: activities to ensure the participants' protection concerning criminal proceedings; the activities of the prosecution; activities which help to detect, prevent and investigate crime; activities based on protection of state (national) security, border and law enforcement. Each direction of law enforcement has each essential features and characteristics.

Concerning the components of the state military organization, laws of Ukraine operates deal with the following key concepts: "military units", "military organization of the state", "law enforcement".

The definition of "state military organization" is presented in two laws. According to Article 1 of the Law of Ukraine "On National Security" [1] The military organization of the state is a combination of public authorities, military units formed under the laws of Ukraine, which is under the democratic civilian control of the society directly aims to protect Ukraine's national interests against external and internal threats. According to Article.1 of the Law of Ukraine "On democratic civilian control over the military and law enforcement agencies" Military organization of the state covered only guide a set of government bodies, military units, formed in accordance with the Constitution and laws of Ukraine, which is under the democratic control of society and under the Constitution and laws of Ukraine directly aimed at solving problems of protecting the interests of the state from external and internal threats [2]. The difference Law "On democratic civilian control over the military and law enforcement agencies of the state" is an indication of unified leadership military forces and public authorities. This is problematic because the subordinate military units, paradoxically, is decentralized.

In our opinion, this definition is not perfect and has a number of inconsistencies. We believe it is necessary, in the definition of the state military organization after the words "military units" must add "police and paramilitary forces"; give a direct determination of the State Special Transport Service as military or paramilitary forces; extend democratic civilian control on militias.

The definition of law enforcement agencies is complicated as contained in at least nine legal acts and do not always coincide [3].

Thus, the Law "On National Security of Ukraine" [1] defines the police as public authorities, to which the Constitution and laws of Ukraine charged with exercising law enforcement functions.

Law "On democratic civilian control over the military and law enforcement agencies" [2] adds that the police should also perform enforcement functions.

It seems most appropriate definition of "law enforcement authorities" contained in international treaties CIS of 04 June 1999 on the order of presence and interaction of law enforcement in the territories of the Commonwealth of Independent States [4]. According to

the contract under law enforcement authorities are understood public bodies in accordance with domestic law ensure the safety of the state, society, citizens and fighting crime.

Features of law enforcement, which distinguish them from military units: – perform state functions to ensure internal security – completing, usually by persons officers and other ranks, the presence of non-military and special ranks; – passing a special service – distribution legislation aimed at protecting law enforcement officials.

Ukraine's legislation contains no universal term that would cover military forces, police, paramilitary forces and other military formations are not armed state. However, in everyday life often uses the term "security forces", the use of which is user-friendly and understandable. Therefore, during the investigation, I also will use the term, understanding it all armed with firearms state formation.

1. The Law of Ukraine on June 19, 2003 № 964-IV "On National Security of Ukraine" // BD. – 2003. – № 39. – Art. 351.

2. The Law of Ukraine on June 19, 2003 № 975-IV «On democratic civilian control over the military and law enforcement agencies" // BD. – 2003. – № 46. – Art. 366.

3. Petrychenko O. P Who is responsible for state security? // The right of the military. – 2006. – № 8.

4. International CIS agreement of 04 June 1999 on the order of presence and interaction of law enforcement in the territories of the Commonwealth of Independent States.

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IMPACT OF TECHNOLOGY ON ECONOMIC CRIME

The essential assumption of the article is that information technology is one of the main factors influencing this process of organization in economic crime.

The growth of the information age and the globalization of Internet communication and commerce have impacted significantly

upon the manner in which economic crimes are committed, the frequency with which those crimes are committed, and the difficulty in apprehending the perpetrators. A recent survey conducted by the Gartner Group of 160 retail companies selling products over the Internet reveals that the amount of credit card fraud is twelve times higher online than in the physical retail world.

There is no reason to believe that this figure is unique to the credit card industry. Another recent study indicates that the number of search warrants issued by the federal government for online data has increased 800% over the past few years.

Technology has contributed to that increase in four major respects–anonymity, security (or insecurity), privacy (or the lack of it) and globalization. Additionally, technology has provided the medium or opportunity for the commission of traditional crimes.

Criminals continue to make false statements in credit applications submitted over the Internet, bank employees continue to embezzle funds by wire transfer or account takeover, and swindlers continue to misrepresent products at auction sites over the Internet. However, it is the widespread use of technology and the Internet for business transactions and communications, and the confluence of anonymity, security, privacy and globalization that have exposed the public and private sectors to an alarming new array of cyber attacks. In addition to their inability to prevent such attacks, both government and the private sector lack effective enforcement tools and remedies to bring the perpetrators to justice.

Technology and the Internet have contributed to the growth of economic crime in each of the identified industries in similar ways. Anonymity enables the criminal to submit fraudulent online applications for bank loans, credit card accounts, insurance coverage, brokerage accounts, and health care coverage or to construct a counterfeit web site in order to establish an inflated value for publicly traded stock in order to sell the stock at a falsely inflated price ("pump and dump" schemes). Anonymity also enables employees to pilfer corporate assets. For example, bank employees can embezzle money through electronic fund transfers and employees of credit card issuers can capture account numbers and sell them to outsiders, electronically transferring the account numbers to the coconspirators. Further, anonymity provides enhanced opportunities for two types of perpetrators–the organized crime mobster and the teenage hacker.

Security, or the lack of it, enables criminal hackers to disrupt e-commerce in several ways. They can engage in denial of service attacks, compromise payment systems in online banking, penetrate web sites and extract credit card account numbers for resale or as ransom for the extortion of cash from the card issuer, or hijack a web site for the purpose of stealing the identity of the ecommerce merchant, directing the proceeds of sales to the hijack.

Privacy protections enable thieves to take advantage of the benefits of anonymity, while hampering the efforts of law enforcement and private sector fraud investigators to track the thieves. Lastly, the Internet enables communication and commerce to occur beyond or without borders, presenting significant problems in the prevention, investigation and enforcement of those crimes.

Banking

There is no pending legislation that specifically addresses frauds in connection with online banking. The Internet provides fertile ground for those intending to defraud financial institutions. Because the online customer is anonymous, the risk of fraud is greater. Projected increases in the volume of online transactions and repeal of the Glass-Steagall Act, which has expanded the types of institutions that may provide banking services, could increase the exposure to cyber attack. Congressional focus is currently on cyber laundering, specifically the electronic transfer of funds into U.S. banks from sources outside the country and subsequent transfers by those banks to cyber laundering havens. On the regulatory side, the Federal Trade Commission and other agencies have proposed regulations dealing with the privacy of financial data, the circumstances when disclosure may be made, and the conditions precedent to such disclosures. Those regulations, which are scheduled to take effect on November 13, 2000, require financial institutions to provide privacy notices to consumers, limit the disclosure of nonpublic personal information to nonaffiliated third parties, and allow consumers to opt-out of certain restrictions.

The Electronic Signature in Global and National Commerce Act, which became law on July 1, 2000, is a major effort to facilitate the consummation of contracts, including agreements with banking and financial institutions, electronically. While the Act facilitates e-Commerce, it provides yet another opportunity for the theft of a significant aspect of one's identity–the signature. The Act contains no provision imposing criminal sanctions for the theft or piracy of one's signature. The access device statute (18 U.S.C. § 1029) should be

amended to include electronic and digital signatures as a "means of identification. Additional legislation is essential to reduce the risks presented by anonymity and database insecurity, including prescribed authentication procedures and encryption protections.

Credit Card

The use of credit cards for online retail purchases, as well as for online gambling and to gain access to pornography and child pornography sites, is expected to increase exponentially. Online transactions are not conducted face-to-face; therefore, the merchant cannot identify the customer in the traditional manner.

The increased volume of online transactions and the absence of face-to-face interaction provide greater opportunity for fraud, including identity theft for the purpose of conducting an online transaction. While substantive laws provide ample redress for the criminal use of credit cards (and debit cards) in cyberspace, the implementation of new technologies for credit purchases, such as smart cards and electronic wallets, may raise issues regarding the applicability of existing criminal statutes. Those statutes (specifically 15 U.S.C. § 1644 and 18 U.S.C. § 1029) should be amended to prohibit the theft or fraudulent sale, distribution or possession of a counterfeit, stolen or fictitious account number regardless of whether that account number is used in connection with a plastic card, electronic wallet or other form of digital storage. The amendment should also state that the crime applies to the theft by computer of account numbers or information that could be used to identify an account number.

There is currently no pending legislation that would regulate the use of credit cards for online transactions. However, S. 699, the Telemarketing Fraud and Seniors Protection Act, would amend the wire fraud statute (18 U.S.C. § 1343) to include schemes or artifices to defraud, perpetrated via Internet communications.

Because credit card fraud can be prosecuted under this statute, the proposed legislation would enhance significantly the enforcement arsenal for credit card fraud. Further, the proposed Identity Theft Protection Act of 2000 (S. 2328) would strengthen protection against fraudulent practices committed with stolen credit cards. That Act requires the card issuer to confirm any reported change of address and notify the cardholder of any request for additional cards. It also requires credit-reporting agencies to inform the card issuer if the address on the application for a credit card is different than the address shown in the consumer's records. Section 4

of the Act would also add a requirement that, upon the request of the consumer, a consumer reporting agency must include a fraud alert in the consumer's file and notify each person seeking credit information of the existence of that alert. That Act would provide significant protection from the technological identity theft.

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"GUARANTY OF THE RIGHTS OF JUVENILE SUSPECT (ACCUSED) AND THEIR REALIZATION IN THE CRIMINAL PROCEEDING"

In the developed civilized states the human, its life and health, honor and dignity, inalienable rights and freedoms belong to the supreme values, however, there are layers of society in any state which need the increased attention on the part of the state. Such layers include the juvenile – the most vulnerable part of the society.

Under the condition of active introduction of the world standards of the human rights security, the issues of the young generation upbringing in the spirit of the uncompromised compliance with the law, legal norms and morale are the most topical. In connection with this, the juvenile rights protection, in all life domains shall be the priority for the state power bodies.

Peculiar legal status of the juveniles in the society forces the necessity to regulate the special rule sand procedures of treating the juvenile son all stages of criminal proceeding, both on the pre-judicial proceeding stage and during the court hearing.

Guarantees of the rights of juvenile suspect (accused) are the way of preventing the violation of rights and lawful interests of the person which are mainly related to the criminal proceeding order with regard to the juvenile's conditioned first of all by the peculiarities of the criminal violation subject. Physical, mental and psychological development of the juveniles conditions the instability of their character, immature thinking, tendency to imitate the older people's behavior and other similar features, as well as the inability to protect their rights and lawful interests to the fullest extent. Being inalienable element of the procedural status of the criminal proceeding participants, this right allows the juvenile suspects and accused asking the lawyers, representatives and other criminal proceeding participants for help, according to the acting law, mainly art. 491 CPC of Ukraine, to protect their interests provided for by law, informing the controlling bodies about real or possible violation of their rights on the part of the state agencies or officials which constitutes the essence of the guarantee of rights of the juvenile suspects and accused on the pre-judicial stages of criminal proceedings and during the court hearing.

Possible violations, as such, are more facilitated by the imperfection of the criminal procedural law of Ukraine, absence of the unified approach in the theoretical and legal aspect to the notion of the "procedural guarantees of the juvenile suspect (accused)", pending issues about the participation of legal representative, lawyer, teacher (psychologist)participating in the proceeding, absence of juvenile justice as such in Ukraine, incompliance of the practical needs determined by the criminal and procedural code of Ukraine, absence of the procedural forms of the introductory investigation of crimes committed by the juveniles.

Certain steps with regard to the improvement of law determining the procedural guarantees of the juvenile's rights are not ignored, namely, active discussions are held, aimed at the insurance of the efficient system of guaranteeing the juvenile's rights in the criminal proceeding, and prevention of the juvenile crimes, which will show a positive result only on condition of the seamless interaction of judicial system with all state power bodies, liable for this

important mission, and development of the joint actions algorithm. Besides, the Ministry of Internal Affairs of Ukraine conducts a number of organizational measures for the efficient pre-judicial investigation in the criminal proceeding with regard to the juveniles. Surely, this underlines the importance of the legislative regulation improvement of the juvenile's legal status.

Special attention should be given to the creation of the efficient rehabilitation system for the juveniles committing the violation for the purpose of their reeducation and resocialisation.

To avoid the mistakes in this important domain, as well as for the purpose of the appropriate fulfillment of the liabilities assumed by Ukraine in the part of the insurance of the special care to the juvenile and aid on the part of the state, realization of the provisions of the Ukrainian Constitution as to the acknowledgement of human, its life and health, honor and dignity the supreme social values, insurance of rights and free personal development to every person and also with the view to the level of the juvenile criminality in the sphere of protection of the rights of children who fell into the conflict with law, special attention should be given to the international standards of the criminal justice. In this sphere the most important document is the Convention on human rights ratified by Ukraine back in 1991. Besides, the Decree of the President of Ukraine dated May 24, 2011 No. 597/2011 approved the Concept of the criminal justice development with regard to the juveniles in Ukraine. These major documents should become the benchmark during realization of any program of reforming the criminal justice system and criminal procedural law in general with regard to the juveniles in Ukraine.

For this purpose and taking into account the corresponding provisions of the international documents, the state, in particular ensures the following:

1) no child shall be considered the criminal delinquent, shall not be accused or blamed for its violation through action or negligence which were not prohibited by the national and international law as of the moment of their commitment;

2) every child considered the criminal delinquent or blamed for its violations hall have at least the following guarantees:

a) presumption of innocence, until its guilt is proved by the law;

b) immediate and direct notification of the child about its accusation, and, if necessary, through its parents or lawful custodians, and

receipt of legal and other necessary assistance when preparing and conducting of its defense;

c) immediate decision-making on the considered issue by the competent, independent and unbiased agency or judicial agency within the fair proceeding incompliance with the law in the presence of lawyer or other appropriate person, and unless it contradicts to the interests of the juvenile, namely, with regard to his/her age or status of its parents or lawful custodians;

d) freedom of the compulsion of evidence or confession;

e) if the juvenile is considered the criminal delinquent, full consideration by the supreme competent, independent body or judicial agency of the corresponding decision according to the law and any steps taken with regard hereto;

f) free aid of the interpreter, if the child does not understand the language used or does not speak this language;

g) complete attention to its private life at all stages of the consideration.

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SPECIFIC FEATURES OF COMMUNICATION BETWEEN LAW ENFORCEMENT OFFICERS OF NATIONAL POLICE AND FOREIGNERS

Everyday professional activities of a police officer are connected with constant interaction with society including the representatives of other countries. Therefore, such problem as the language bar-

rier in communication with native speakers of foreign languages is considered to be the main one. There is a necessity to develop and implement the ways of overcoming such difficulties for the further development of the legal system in order to improve the police image in the eyes of foreign countries.

According to the act from 02.07.2015 580-VIII, the law about the National Police of Ukraine was adopted. It establishes that the National police of Ukraine is the central body of executive branch of power, which serves the society by ensuring protection of rights and freedoms of people, fighting against crimes, keeping public safety and order [1, p. 1].

The law enforcement officers of National Police have to deal with foreigners almost every day when they protect order. But due to some reasons, there is a language barrier that hinders effective interaction of police with society. Communication is the process of transmission and perception of messages through verbal and non-verbal means, which includes the exchange of information between the participants of communication, the perception and cognition of this information and the influence of the participants on each other as well as their cooperation in achieving changes in their activity [2]. According to B. Golovin, "the more developed and more abundant the language system is, the greater are the possibilities to vary speech patterns in order to provide the best conditions for the communicative language activity" [3, p. 183]. The language barrier is the internal obstacle of psychological nature that prevents a person from successful communication [4, p. 152].

The special instructions have been written for the law enforcement officers of National Police to overcome the problems the above mentioned. There is even a special order of the Ministry of Internal Affairs that comprises the main professional and ethic standards regulating specific features of communication with foreigners. Namely Chapter V, p. 2, "The rules for professional communication of law enforcement officers" says:

2.1. Professional performance of police officers' duties in dealing with foreigners and persons without citizenship contributes to international authority consolidation both the bodies of Internal Affairs and the country.

2.2. Dealing with the foreigners and persons without citizenship, a law enforcement officer must respect the dignity of any person

as well as show his human attitude towards this person. He also has to protect human rights regardless of race, origin, citizenship, age, language, religion, gender, political or other beliefs.

2.3. Dealing with the foreigners and persons without citizenship, a law enforcement officer must demonstrate his patience, goodwill and consistency. He has to keep his temper and show his readiness to assist. If necessary, a police officer has to clarify the rules of conduct and the rules for temporary residence on the territory of Ukraine.

2.4. Law enforcement officers are not allowed to discuss with foreigners and persons without citizenship such issues as policy, activities of state authorities, including the Internal Affairs bodies [5].

Now therefore, it is not only possible but absolutely necessary to dismantle the language barrier between the law enforcement officers of National police and foreigners. So, taking into consideration the above mentioned, we can recommend following the stages that may have a beneficial effect on the communication between the law enforcement officers and foreigners:

– Learning foreign languages (English in particular) should be obligatory for law enforcement officers. Taking into account the demanding work schedules of police officers, compulsory courses of English for them has to be put into practice in the evenings.

– To give the possibility for police officers to be awarded with grants for internship in police forces of other countries. So, if a police officer of any country is assigned to fulfill his duties in the division with the same functions like in our country for a definite period of time, he will be able not only to communicate efficiently but also teach his colleagues the basics of his native language.

– To insert the amendments or adopt another law that is aimed to regulate fully the police activity in situations when the language barrier occurs.

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THE FORM OF CURRENT UKRAINIAN STATE

Research of the form of a state has a long history, ideas about it were changed over the history because the organization and implementation of the government depended on the effectiveness of public administration.

Science has produced universal construction is called «a form of state». The concept of a form of state includes three aspects: 1) State government; 2) political system; 3) state regime. These aspects highlight organization, structure and activities of the government.

In this essay, I would like to express an opinion of the most suitable form of state in Ukraine.

Two forms of a government are distinguished traditionally – a monarchy and republic.

Of course, nowadays the most common form of government is a republic that represents and implements modern trends in democracy and humanism in the development of the state, but in some modern countries where there is still a monarchy, a form of government plays a purely symbolic value, because it has the formula "the monarch reigns but does not rule." This form of government helps to achieve the unity of the state and its people, for these reasons, even some states have chosen to restore the monarchical form of government.

Today Ukraine – a parliamentary-presidential republic. This form of government has the feature that the president and parliament control the activities of government. The power of the president is limited because he does not possess the fullness of executive power, so he is not the head of a government, which is actually formed by the balance of political parties in Parliament and based on a parliamentary majority. Republican parliamentary-presidential form of government is the most appropriate form of government of Ukraine

where the president does not duplicate the functions of other authorities, but coordinates and balances their work.

Regarding the aspect of government, there are two forms: federal – when the state includes the subjects of the federation, and the unitary – it is an undivided state which territory is divided into administrative units. The difference between these state forms that subjects of unitary states don't have sovereign rights, political autonomy, and local authorities in administrative units subordinated to central. And also in unitary countries there is a unified constitution, legislation and judicial system. But it should be noted that between the central and local authorities we can distinguish different kinds of distribution of powers, namely centralized, relatively centralized and decentralized unitary states. Unitary states can be simple and complex. Complex unitary states are those states that have autonomous formations.

Ukraine is a unitary state complex that includes 24 regions and Autonomous Republic of Crimea. Also, our country has chosen a new path for distribution of powers, i.e. the transition from a centralized unitary state to a decentralized unitary state. In my opinion, this is the form of government that suits to Ukraine best, because Ukrainian statehood historically developed as a unitary entity, and therefore for our states future the unitary state structure, perhaps even preserving autonomy as formation, that has to solve internal issues as well as a significant expansion of autonomy of local governments due to the further democratization of state power is more natural and historical.

And the last aspect of the form of the state is the state regime. State regime – is the order of realization of state power. In contrast to the form of state rule and form of government, state regime reflects informal aspects of organization of government, and its substantial characteristics.

The state regimes differ depending on the level of people's participation in the implementation of state power. Traditionally distinguished: democratic, authoritarian and totalitarian regimes.

Ukraine is a democratic state. I think, for modern state, democratic regime is the best regime of state, because it symbolizes freedom. In a democratic regime the important role played by the people, because it creates and implements state power. In a democratic regime human rights and the rule of law are ensured.

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NATIONAL POLICE OF UKRAINE

The **National Police of Ukraine** (Національна поліція України, *Natsional'na politsiya Ukrainy*), commonly shortened to Police, is the national police service of Ukraine. It was formed on July 3, 2015 as the part of the post-Euromaidan reforms launched by Ukrainian president Petro Poroshenko to replace Ukrainian's previous national police service, the Militsiya. On November 7, 2015 all the remaining *militsiya* were labelled "temporary acting" members of the National Police [3].

The agency is overseen by the Ministry of Internal Affairs.

Prior to July 3, 2015 law enforcement in Ukraine was carried out directly by the Ministry of Internal Affairs as the *militsiya*. The plans to reform the Ministry, which was widely known to be corrupt, had been advocated by various governments and parties, but these plans were never realized.

In the aftermath of the 2013–2014 Euromaidan movement and subsequent revolution, the need for reform was acknowledged by all parties. Parliamentary elections were held in October 2014, after which all five of the parties that formed the governing coalition pledged to reform the ministry and create a new national police service.

As the part of the reforms, the Minister of Internal Affairs, Arsen Avakov, presented plans to reduce the number of police officers in Ukraine to 160,000 by the end of 2015. The reform plans started with the combination of the ministry's current State Auto Inspection (DAI) and the patrol service in the country's capital Kyiv in summer 2015. This new police patrol received funding from various countries. 2,000 new police officers, picked from 33,000 applicants, were recruited to initiate the new service in Kiev. Officers were American-trained.

Upon the launch of Kiev's new patrol police on July 4, 2015, the *militsiya* ceased all patrolling but continued working at precincts and administrative offices. After that, the new police patrol was rolled out across Ukraine. The organization was formally established as the National Police on September 2, 2015. By late September 2015, 2,000 new constables were on duty in Kiev, 800 were on duty in Kharkiv and 1,700

were on duty in the cities of Odesa d L'viv. At this point, the *militsiya* was 152,000 officers strong, and continued to handle most policing across Ukraine. The basic salary of the new police force (almost $400 a month) was about three times as much the basic salary of the former *militsiya*, which was an attempt to decrease corruption.

The new National Police officially replaced the old *militsiya* on November 7, 2015. On that day, the remaining *militsiya* were labelled "temporarily acting" members of the National Police. The change allowed them to become members of the National Police after "integrity checks", but they were only eligible if they met the age criteria and went through retraining. This transition period ended on October, 20 2016. In this transition period 26% of police commanders were dismissed and 4,400 police officers demoted and the same number of people promoted.

The National Police is divided into a number of different services. Each municipal force has internal subdivisions. This leaves the police service with a large number of specialized branches which can more specifically target certain types of crime and apply more expert knowledge in the investigation of cases relating to their area of policing. In addition to these specific groups, all police forces retain a majority of officers for the purpose of patrol duty and general law enforcement.

The Police contains the following subdivisions [1; 4]:

– Criminal Police – investigation and prevention of serious and violent crime in Ukraine;

– Department in fight against drug-related crime;

– Department of Cyber Police – fighting against cyber crimes;

– Department of Economic Security;

– Department of Patrol Police – general law enforcement operations, traffic policing and patrol duty (including riot police divisions);

– number of municipal administrations;

– Department of Police Security – Successor to the State Security Service (nothing to do with the State Security Administration);

– In addition, the following special units exist:

– Special Police – Tasked with keeping order in areas with special status and/or affected by natural or ecological disaster;

– Rapid Operational Response Unit (KORD) – Tactical response unit, tasked with resolution of stand-off situations involving hostages and/or heavily armed suspects. It is also tasked with providing a tactical support function to other divisional officers;

– Pre-trial Investigative Services – Representatives of the National Investigative Bureau, Tax Authorities and Security Services, tasked with investigating crime.

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PUBLIC APPRAISAL INSTITUTE AS ONE OF FORMS OF PUBLIC AUTHORITIES AND SOCIETY INTERACTION

Institutional reforms of various society activity spheres actualizing question of society participation and impact on these processes are distinctive feature of current stage of state formation in Ukraine. Efficiency of state administration is based on state and society unity, which specifies strengthening of confidence to government institutions and civil society formation.

It should be mentioned that public interest to participation in life of our country has increased which determines persistent public search of opportunities extension to influence directly state policy formation and realization. Thus, definite changes in the sphere of overcoming public authorities' closeness, absence of their interaction with society have appeared. These changes are connected with appearance of research works, devoted to specific aspects of public appraisal as a form of public authorities and society interaction, of such scholars as: E. Afonin, A. Balatska, V. Garashchuk, V. Kravchenko, L. Usachenko, V. Zakharova, M. Lagunova, M. Latsyba, O. Litvinov, O. Orlovskyi, E. Pozniak, O. Sushko, A. Tkachuk, O. Khmara, V. Shakhov, I. Shevchenko and others. However, attention must be paid to the fact that absence of modern scientific and theoretical ap-

proach to determine the notion «public appraisal», which has negative impact on open society formation, is being felt.

Nature of relations with society including partners and citizens is quite important in the work of public authorities. If population is unfavorable to public authorities, interaction between them with the help of direct and indirect contacts will be ineffective or unsuccessful [1, p. 7]. As European experience shows, extending human rights to play role in decision making not only through elected representatives but also through various mechanisms allows to take into account opinions and interests of citizens in police formation and approaches them to the democratic process [2, p. 7].

After enactment of Procedure for assistance in carrying out of public appraisal of public authorities approved by Order of the Cabinet of Ministers of Ukraine No. 976 of November 5, 2008 a new instrument of citizens' participation in administration at state and local levels as public appraisal which plays important role in legal state formation and development appeared.

It is necessary to analyze essence of the notion «appraisal» to understand public appraisal content. «The Great defining dictionary of modern Ukrainian language» defines appraisal as consideration, investigation of definite case, question with the aim to make correct conclusion, to give a correct appraisal to definite phenomenon [3, p. 257]. A. Brockhaus dictionary understands appraisal as investigation and establishment of such facts when special knowledge and skills in any science, craft or field are needed to find these facts [4]. Dal dictionary explains appraisal as consideration of determined case or questions by experts (skilled specialists) to give a conclusion [5]. Key moment in notion «appraisal» definition is that it is performed by qualified experts, who have special knowledge and skills.

The notion «public appraisal» is not well-established yet. Based on constructive-critical understanding of the most spread interpretation of the notion «public appraisal» it may be concluded that its modern meaning is quite diverse. However, in spite of this, definition of the notion «public appraisal» given in isolated scientific papers has episodical character that leads to negative terminological interpretations and wrong conclusions. It is well known definition offered by O. Shapoval according to which public appraisal of executive body activity is examination of regulations, decisions passed by it, its activity or passivity in order to determine their compliance with laws in force, rights and interests of popula-

tion in whole or its separate parts which is performed by non-profit companies and institutions (social organizations, charity and religious organizations, professional and creative unions, self-organizations bodies and other associations of citizens, except political parties and also free media) [6, c. 15]. L. Nalyvaiko considers public appraisal as examination of laws, decisions, programs, planning documentation and which is performed with the aim of public interests protection [7, c. 5]. T. Troitska defines public appraisal as a mechanism of modern examination activity on analysis and appraisal of regulatory and other managerial decisions of power at all levels influencing life conditions and realization of rights and interests of wider population and certain social groups [8, c. 8]. I. Averkiev determines public appraisal as independent from public authority analysis of socially important practices in the context of their compliance to public interest [9]. Scientists draw attention to enforcement of private and public interests by public appraisal institute realization.

As to legislative definition of public appraisal, it is defined in Procedure for assistance in carrying out of social examination of public authorities approved by Order of the Cabinet of Ministers of Ukraine No. 976 of November 5, 2008 [10].

On the basis of complex analysis of scientific viewpoints diversity, the notion «public appraisal» should be defined as component of democratic state government mechanism which provides execution by civil society institutions with the use of complex legal, organized, information activities on the part of citizens and their associations focused on research, analysis and examination of projects passed, regulatory acts, decisions, activity or passivity of public authorities provided in compliance with Constitution in order to make expert findings regarding compliance with rights and legitimate interests of people, certain social groups and recommendations for their improvement.

Thus, public appraisal is expression of real and functioning democracy, which allows society and public authorities to interact effectively establishing, in this context, efficient and meaningful dialogue at all stages of decision making.

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CHILD TRAFFICKING AS A SOURCE OF CHILD PROSTITUTION IN UKRAINE

Trafficking of children for sexual purposes is a well-organized transnational criminal business closely related to such phenomena as prostitution, drug addiction and porn industry. This is the use of children

for getting profits. Unfortunately, such trade is part of a criminal business, widespread throughout the world. Its victims may be subject to labor and sexual exploitation. In fact, it is a modern form of slavery, founded on coercion and violence. Merchants of children are unscrupulous and ruthless people. They gain the trust of a child, and then deceive her and carry on the violence, getting profits. Modern Ukrainian children are the lure for foreign pedophiles, porn producers, pimps, especially given the fact that according to various estimates ranging from 100 to 200 thousand of them are the so-called "street children".

The engine of child trafficking is a demand for cheap, unprotected and illegal labor. Many countries of the world are struggling with child trafficking, pursuing criminals involved in it Commercial sexual exploitation of children (CSEC) – is sexual abuse against children by the adult for the reward, that is given directly to a child or third parties. The child, in this situation, is seen as a sexual object and a product. In the international documents, including ECPAT International, 4 basic forms of commercial sexual exploitation of children are highlighted:

1) the exploitation of child in prostitution;
2) in pornography;
3) in tourism;
4) trafficking of children for sexual purposes [3].

Child prostitution (exploitation of child prostitution) is a form of commercial sexual exploitation of children that violates their fundamental rights for life, liberty, sex inviolability and marriage. Children are involved in prostitution not only because they meet such basic needs as housing, food and clothing, but also offering children pocket money and goods that weren't available to them. When they say "child prostitute" or "child sex workers", it is seen as a conscious choice to be engaged in prostitution. The term "sexual exploitation of a child in prostitution" more significantly determines that the child is the object, not the subject of exploitation. A child in a situation of sexual exploitation does not choose, she only operates according to the circumstances that push her to it, or submit to the adult's will. Child prostitution is violence: the child has no right to be violated, but to be protected.

Possible causes of prostitution:

1) untrustworthy family (violation of emotional comfort, physical or mental abuse of a child);

2) lack of control of the child by the parents or the presence of excessive rigid control;

3) material deprivation and prolonged unemployment of parents;

4) availability of family members with criminal records;

5) low cultural level of the family;

6) no family, absence of one of the parents, stepfather's or stepmother's availability;

7) early involvement of children to alcohol;

8) sexual harassment by adults (parents, relatives, coercion to cohabit with older men);

9) teen sexual activity, deprived of material and family support;

10) lack of awareness about teenage sex; lack of knowledge about contraception, sexually transmitted diseases;

11) lack of control and school administration indifference to extracurricular lessons with children [1].

Mostly to the category of prostitutes fall into children from children's homes, the situation of which is aggravated in the present conditions: no permanent housing; unavailability of prestigious high school education; disorder of vocational education, where children with a low educational level could learn; lack of work for minors; rise of unemployment. Circumstances push children to the streets, where they are "picked up" by pimps, people who live off the prostitutes and treat them as their property.

The statistics is terrifying: since 2009 – 6 months of 2011 in Ukraine there were initiated 89 cases for child trafficking (Art. 149 of the Criminal Code), 29 cases for involving children in making pornography (Art. 301 of the Criminal Code), 37 cases for involving minor persons into prostitution (Art. 303 of the Criminal Code), 153 cases for sexual intercourse with a person who has not reached puberty (Art. 155 of the Criminal Code), 629 cases for corruption of minors (Art. 156 of the Criminal Code), 166 cases for the rape of minors (Art. 152 of the Criminal Code), 114 cases for violent satisfying of sexual desire with a minor with unnatural means (Art. 153 of the Criminal Code) [4]. However, these figures are the result of silence in our society the existence of this problem, which leads to an underestimation of the relevance of the phenomenon of child sex tourism in Ukraine.

In the view of human rights activists, this is due primarily to the fact that the phrase "child sex tourism" is associated with the use of children aged 5–10 years for sexual purposes. In practice, more often to such infamous case are involved adolescents of 15–17 years old.

Over the past 10 years, child prostitution in Ukraine has become the norm, and trafficking in general is a major problem together with the low life. The reality is that very few people try to interfere terrible processes. UN Special Reporteur on the problems of children's sale, child prostitution and child pornography, Juan Miguel Petit in his report based on the results of his visit to Ukraine in October 2006, published findings that in Ukraine child prostitution and trafficking of children is a huge problem. According to the Ukrainian Institute of Social Studies, among women that provided sexual services for business purposes, 11% were children aged 12 to 15 and 20% – aged 16 to 17 years, in prostitution are attracted even 10-year-old girls. These figures indicate that in this criminal business are attracted more than 30% of minors engaged in prostitution.

There are laws prohibiting the sale of children and providing for severe penalties for this crime: UN Convention on the Rights of the Child, Convention for the Protection of Children against Sexual Exploitation and Violence [2]

Despite the lack of a large number of published facts, the problem of sexual exploitation of children in Ukraine exists and is still urgent. Its latency is associated with complex detection of such crimes and corruption. Juvenile victims do not usually consider that they are objects of criminal actions, or perceive earnings by providing sexual services as normal. The Ukrainian society tolerates the fact of sexual exploitation of children, because for most people "child exploitation" means attraction of children to provide sexual services. The consequences of sexual abuse for children, who look older, are equally damaging to their psyche, so must be blamed by a society as well as sex or pornography involving children. Except psychological effects, a large number of sexual partners increases the risk of becoming infected with sexually transmitted diseases, including HIV.

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DOMESTIC VIOLENCE AND ABUSE

Domestic violence and abuse can happen to anyone, yet the problem is often overlooked, excused, or denied. This is especially true when the abuse is psychological, rather than physical. Noticing and acknowledging the signs of an abusive relationship is the first step to ending it. No one should live in fear of the person they love. If you recognize yourself or someone you know in the following warning signs and description of abuse, reach out. There is help available.

When people think of domestic abuse, they often focus on domestic violence. But domestic abuse occurs whenever one person in an intimate relationship or marriage tries to dominate and control the other person.

Speaking about effects of domestic (family) violence on children, should be mentioned, that for some children, life is like living in a war zone! They live in an environment characterized by fear, frustration, anger, cruelty and violence. Research shows that children of all ages are affected if there is violence or abuse between their caregivers and extended family members. Children and young people who experience violence in their families are more likely than children who have not experinced any form of family violence to: develop severe behavioural problems, become violent as adolescents, continue the cycle of violence.

There are a number of factors shared by children who have been exposed to domestic violence. They may display failure to thrive symptoms even as infants, they may be aggressive or violent towards siblings or the victim parent in ways similar to the abusive parent, they often suffer from low self-esteem, they may

have poor impulse control, they often experience academic problems, they can have a disrupted home life when the victim is forced to flee the home, they are more often abducted by the abuser parent than other children, they may have a fear and distrust of close relationships, they don't always recognize socially acceptable or correct behaviour, they may experience psyhochosomatic complaints, such as stomach pains, headaches, stuttering and anxiety, they may wet the bed, they kill themselves more often than children who do not live with abuse, they blame themselves for the violence or their inability to stop it and protect the victim parent, they are more likely to abuse alcohol and drugs, they are more likely to commit sexual assaults and other crimes.

Families or individuals who have experienced domestic violence are in the process of healing both physically and emotionally from multiple traumas. People who are exposed to domestic violence often experience physical, mental or spiritual shifts that can endure and worsen if they are not addressed. According to a study done by the Centers for Disease Control, nearly three in every 10 women – about 32 million – and one in 10 men in the United States who experienced rape, physical violence and stalking by an intimate partner reported at least one measured impact of effect related to forms of violent behaviour in that relationship. We shouldn't but mention, that when a physical danger threatens our control, ability to escape, or is something we can't stop, we enact a natural instinct for survival. This is includes the body summoning a tremendous amount of energy to fight or flee–short circuits. These short circuits ricochet through a person's body and mind. This can result in shock, dissociation and many other kinds involuntary responses while the violence is happening. The short circuit stays with us long after the violence ends, and is the origin of the mental, physical and spiritual effects of domestic violence. The Campaign Against Domestic Violence (CADV) was founded in August 1991 as a broad organization to fight for better resources to deal with domestic violence, to promote awareness of domestic violence, campaign for legal change and to raise domestic violence as a workplace issue. The campaign was launched by members of the Militant tendency as platform to fight against proposals that later became the Child Support Act(1993) and attracted support from five Trade Union organizations and various trade union branches including Tower NUM. The campaign has organized public conferences of supporters of up to 500 people as well as protests outside prisons where women are

held who have been jailed for violence when lighting against domestic violence.

Finally, it should be noted, that are ways to help women and children cope with family violence. The first step is to learn as much as possible about the dynamics of the violent family. If you suspect that someone you know is being abused, speak up! Talk to the person in private and let him or her know that you are concerned. Abusers are very good at controlling and manipulating their victims. People who have been emotionally abused or battered are depressed, drained, scared, ashamed, and confused. They need help to get out, yet they've often been isolated from their family and friends. By picking up on the warning signs and offering support, you can help them escape an abusive situation and begin healing.

Divorced and separated women, who compose only 10% of all battered women and their children:

– work with shelters for abused women so that the women and children have somewhere to go for safe;

– learn how to develop a Safety Plan for both women and children;

– work with local child protective agencies to find resources to help children cope;

– help children learn non-violent conflict resolution, anger control and other skills which will serve them well in their future relationship;

– learn how to help battered women and their children safely leave the situation.

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CHILD TRAFFICKING FOR EXPLOITATION IN FORCED CRIMINAL ACTIVITIES AND FORCED BEGGING

Children are one of the most vulnerable groups targeted for the trafficking in human beings (THB). Organised crime groups (OCGs) choose to traffic children as they can be easily recruited and quickly replaced. OCGs can also maintain child victims relatively cheaply and discreetly. The exploitation of children violates the human rights of children; to have a safe childhood in their family setting, to receive education, to have time to play and to be protected from exploitation.

Child trafficking involves the recruitment of victims, their transportation, transfer and harbouring of children for the purpose of exploitation. Coercion, violence or threats are not necessary elements in cases of child trafficking as children cannot consent [1].

Children are trafficked for the same purposes as adults: for sexual exploitation, for labour exploitation but also for exploitation in a range of criminal activities, including begging. This Intelligence Notification focuses on the exploitation of children forced into committing criminal activities and forced begging. The victims of these types of exploitation are frequently falsely identified as suspects rather than victims of THB.

Key trends

– It is often difficult to identify victims of trafficking in human beings. This is particularly true in cases of child trafficking.

– Cases of trafficking of children for exploitation in forced begging or in forced criminal activity are often falsely perceived as public order issues or petty property crimes.

– Children are at high risk of undergoing secondary victimisation by being considered perpetrators of petty crime rather than victims of exploitation.

– Child victims are also at risk of being re-trafficked after their release from the authorities.

– OCGs specifically target families in difficult social and economic circumstances.

Exploitation in forced criminal activity and forced begging

Recruitment and transportation

Minors are typically recruited from families in difficult economic circumstances. In some cases, children are sold by their families to the traffickers. Pregnant women are also sometimes recruited and forced to sell their babies. For trafficked children between the ages of 6 months and 10 years, OCGs can pay between EUR 4 000 and EUR 8 000. In some cases children have been sold for up to EUR 40 000. While illegal adoption does not necessarily constitute THB, in a number of cases illegally adopted children are trafficked for exploitation.

Moving children across controlled borders is relatively uncomplicated. In many cases, the victims travel on genuine passports of non-related adults. The OCGs involved in these types of exploitation are very mobile and typically active in several countries making use of contacts in diaspora communities.

Children exploited to commit property crime

Children are trafficked to be forced to commit different types of property crime, such as burglaries, robberies, shoplifting, cargo thefts, metal thefts, home-jacking or ATM theft.

In order to enforce obedience, the criminals intimidate their victims using threats of violence or deprivation (e.g. food deprivation) and different methods of psychological manipulation. The traffickers take away the childrens' personal documents, leaving them with a photocopy, in case of police controls.

Children exploited in forced begging

OCGs involved in trafficking children for forced begging specifically targetvulnerable people such as children in orphanages, young adults with disabilities, or single mothers with children. Victims are under strict surveillance when begging and also forced to commit thefts.

Children exploited in drug production and trafficking

Anti-Slavery International reports it is reported that Vietnamese minors are often exploited in cannabis production. 81% of the victims exploited are nderage.

Opportunities for OCGs

Children are easily **coerced** and controlled in many different ways. Children are more easily threatened and manipulated than adult victims of THB. OCG involved in child trafficking maintain constant surveillance of their victims and pressure them to evade law enforcement.

When trafficked children forced to commit crimes are apprehended by law enforcement, they are typically placed in childcare facilities from

where they easily abscond. In other cases, the victims are handed back to their 'family' members or guardians and can then be re-trafficked.

Challenges for law enforcement

Identifying victims of THB is a challenge in general. However, identifying child victims of THB is even more difficult. Practitioners often do not realise that exploitation in forced criminality is child abuse. Children forced to commit crimes are often treated as offenders. Often, these victims resist cooperation with law enforcement and are risk of disappearing or to being re-trafficked if they are handed back ti their exploiters. There is a clear need to continue raising awareness among law enforcement officers on the victim status of exploited children. The EU Trafficking Directive (2011/36) requires MS to implement non-punishment provisions: "Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been compelled to commit as a direct consequence of being [trafficked]" [2].

The use of threats, force or other forms of coercion are not required elements to establish cases of child trafficking. Children cannot give consent and their consent to an exploitative situation is considered irrelevant. However, this irrelevance of consent remains challenging to apply for law enforcement and the judiciary in cases of child trafficking, especially for teenagers and adolescents [3].

Children often do not consider themselves as victims of exploitation further complicating their identification as victims rather than perpetrators. In addition to identifying child victims, it is often difficult to confirm the true personal details of the victims as they typically do not carry identification documents and make use of aliases. Adult organisers of child trafficking also often do not carry any identification documents, use numerous aliases, and exploit the possibility to legally change their names in their countries of origin.

Cases involving children are too often dismissed due to a lacking strategic intelligence picture on the phenomenon. In order to establish an intelligence picture assessing the scale of the OCGs activities and to effectively combat this phenomenon investigations will have to extend beyond identifying child victims and target the family structures sustaining the trafficking and exploitation of children.

In some countries, the private sector (shop owners and private security firms) and law enforcement collaborate to address the involvement of children in shoplifting and stealing. These schemes in-

volve the collection and systematic comparison of data on the adults picking up the child [4].

There is no consensus as to what constitutes begging which may also include street art, street music or selling small items on the street [5].

Conclusion

Child victims of trafficking in human beings are not easily identified. Types of exploitation other than sexual or labour exploitation are highly underreported. In order to better fight exploitation of minors for forced begging or forced criminal activities, it is necessary to increase the awareness of this phenomenon and increase cooperation between EU law enforcement agencies.

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TO THE ISSUE OF EUROPEAN EXPERIENCE IN USING THE WEAPON BY A POLICEMAN AND HIS LIFE SAFETY

The Ministry of Internal Affairs registers the increasing number of different kinds of crimes. This situation has been lasting for two years and it is connected with the reform of the police, military operations in the East of Ukraine and a lot of weapons owned by citizens. Besides, due to the economic crisis and unemployment this

negative situation gets worse. In 2016 it was fixed 410 thousand offenses. That is 25% higher than in 2015. The number of thefts has increased on 38%, robberies on 40% and banditries on 30%. The National Police can't show appropriate results in solving these issues. One of main reason, as they said, is the absence of the protocol actions of weapon use. So the quality of the New Police activities is important and the New Police reform needs to be continued.

Article 46 of the Law of Ukraine "On the national police" allows them use the weapons but there is no information in what such specific types of crimes it must be. The Law of the Federal state of Hessen paragraph 60–62 says that a policeman has got the right to shoot if a lawbreaker doesn't obey and other methods of enforcement have no effect. This is the analogue of American "deadly force". Also it is allowed to fire on inanimate subjects if it is the only way to save your life or the life of colleagues, even if there is a possibility to wound someone accidentally. If there is a criminal in the crowd of people you are allowed to fire them. You are not allowed to shoot a person who looks like as fourteen years old or younger, but this is not valid if policeman's life is in danger. More than during the serve the police patrol has got nine-caliber gun "Fort-17" with two magazines, rubber stick, gas bottle, a tactical lantern, handcuffs and radio set. There are some conditions of using compulsory force impact.

The paragraph 46 of the Law of Ukraine "On the National police" defines the next cases of using weapons without a warning:

1) if the person detained by a policeman has firearms and tries to approach the policeman or to touch the firearms;

2) in case of armed attack with any kind of military equipment, vehicles or another means that could be dangerous for people's lives and health;

3) if a person is arrested for committing a terrible crime escapes using a vehicle;

4) if a person commits armed resistance [1].

Each item should be explained on particular situations and worked through practically. But the last incidents in Kiev and Dnipro point out that the New Police have got problems dealing with practical usage of weapons. And it is second reason of the New Police reform needs to continue.

The murder of two policemen in Dnipro shows us a lack attention to this issue. For example in this accident a driver opened fire after the demand to show documents. As the result the patrolman (Artem Kutushev) died immediately, his colleague (Olga Makarenko) was deadly wounded.

In the USA after being stopped by the police a law-breaker must stay at his seat and put hands on the wheel. If a citizen makes some sudden movements and they are unsafe, policeman has a right to use more severe measures according to instructions. In addition one of the patrolmen holding a gun must cover the crew at the safe distance from law-breaker. The Police should be given the right to shoot in case of disobedience if the life of citizens and their own lives are in danger.

Hatia Dekanoidze has emphasized several times that police's actions would be corrected after the case with night BMW races and the man killing by the policeman. This accident destroyed police's morale, because the society criticized patrolman's actions. The Police of the USA in the same cases are guided by two legal rules: deadly force and fleeing felon rule. «Deadly force» means the usage against law-breaker types of enforcement that could lead him to death. The Police are allowed to ram the criminal's car, use firearms and explosive devices. "Fleeing felon rule" gives the right to use force against suspected offender who tries to escape.

Our policemen were trained by experts from the USA, but the order of actions in crisis situations hasn't been changed yet in Ukraine. In the first place, we need to pay attention to changes in safety measures and in the protocol actions of behavior with law-breakers.

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NORMATIVE AND LEGAL REGULATION OF WASTE MANAGEMENT: EUROPEAN EXPERIENCE

European policy in the field of waste management aims to create conditions for preventing their emergence and reducing their level

of dangerous exposure. This is obtained by the application of ecologically safety technologies, saving of natural resources, development of appropriate technologies for the ultimate disposal of hazardous materials that contain wastes for secondary use.

In the European Union a number of normative legal acts, which can be divided into two groups, regulates waste management:

– programming (so-calledAction Programmes), they have a framework character, define the main objectives in the appropriate field for the EU Member States in the middle and/or long term prospect (usually from 3 to 5 years, can cover the period up to 10 years);

– normative (contracts, directives, rules, regulations) – as a rule, they are obligatory for the performance by the Member States of the EU. They can have a framework character (Waste Framework Directive), and refer to the solution of specific tasks (for example, regulation of admissible emissions standards for incinerators, technology for the ultimate waste disposal at landfills, etc.) [1].

Normative and legal acts of the European Union are divided into three groups according to subject of the regulation of wastemanagement:

– acts regulating the specific operations of waste management;

– acts regulating the management of specific waste types;

– acts regulating the waste shipment.

Acts regulating the specific operations of waste managementinclude:

– Directive 99/31 on the landfill of waste;

– Directive 2000/76 on the incineration of waste.

Acts regulating the management of specific waste types include:

– Directive 94/67 on the incineration of hazardous waste;

– Directive 91/157 on batteries and accumulators containing certain dangerous substances;

– Directive 91/689 on hazardous waste;

– Directive 75/439 on the disposal of waste oils;

– Directive 2002/95 on the restriction of the use of certain hazardous substances in electrical and electronic equipment;

– Directive 94/62 on packaging and packaging waste;

– Directive 78/176 of waste production of titanium dioxide;

– Directive 2000/ on port reception facilities for ship-generated waste and cargo residues;

– Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers;

– Directive 2002/96 on waste electrical and electronic equipment.

Acts regulating the wasteshipment include:

– Council Directive 84/631 on the supervision and control within the European community of the transfrontier shipment of hazardous waste;

– Council Regulation 259/93 on the supervision and control of shipments of hazardous waste within, into, and out of the European Community;

– Council Regulation 1420/1999 establishing common rules and procedures to apply to shipments to certain non-OECD countries of certain types of waste;

– Council Regulation1547/1999 determining the control procedures to applyto shipments of certain types of waste to certain countries.

The main document of the European Union on waste treatment operations is the Waste Framework Directive (Directive of the European Parliament and of the Council 2006/12/EC of 5 April 2006). The Directive applies to all types of waste (the exceptions are the nuclear waste and some other specific types of waste), and establishes the classification of the waste, management planning rules, their competent collection and processing, and requires compliance with the mandatory permit procedures for processors [2].

It should be noted that the Directive does not require EU Member States fixing principles at the level of national legislative acts. However, a number of EU Member States, passing special regulations, takes into account the recommendations of the Waste Framework Directive. For example, in the Czech Republic Waste Lawhas been acting since 1991, in Germany – since 1994, in France the 'Law on the disposal of waste and the use of secondary raw materials'has been acting since 1992 [1].

In addition to the above-mentioned directives in the European international law, there are a number of legal acts providing for liability for unlawful activities.

For example, the Protocol on liability and compensation for damage resulting from transboundary movements of hazardous

wastes and their disposal (ratified by Law 1672-VI (1672-17) 22.10.2009). Its content is to provide a comprehensive regime of liability and proper operational compensation for damage resulting from transboundary movements of hazardous wastes and their disposal, in particular the illegal circulation of these wastes. Under Article 3, the Protocol is applicable in the case of damage resulting from an accident during a transboundary movement of hazardous wastes or their disposal l, including illegal traffic, from the point of loading waste on vehicles within the national jurisdiction of a State of export [3].

Ukrainian policy of waste management intends to harmonize the existing legislation with European norms. The adaptation of Ukrainian legislation to EU legislation in the field of waste management provides the Ukrainian-European legislation-consulting center. Projects of normative documents must pass verification of the Ministry of environmental protection on the compatibility with EU legislation.

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3. Протокол про відповідальність і компенсацію за шкоду, заподіяну в результаті транскордонного перевезення небезпечних відходів та їхнього видалення: ратифікований Законом України № 1672-VI (1672-17) від 22.10.2009 р.

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INFORMATION SECURITY – A PREREQUISITE IN ENSURING NATIONAL SECURITY OF THE STATE

Developed system of information security provides a stable foundation for the effective functioning of the national security system. The rapid development of information technology causes the

emergence of new types of wars that occur without a single shot. Modern information warfare exercise influence on the human mind, which aim to undermine the aims and philosophy of man.

Information warfare is the **usedge** and management of information for acquiring competitive advantages over the enemy [1]. It includes the following components: gathering tactical information; dissemination of misinformation; ensure the safety of their information resources; undermining the quality of information the enemy; warning information collection capabilities by opponent (Table).

Table

The components of the information war and their contents

The components of the information war	The content of the components of the information war
Collection of tactical information	Aimed at gathering information and development to achieve its optimal means and conditions.
Spreading of misinformation	Directed to conduct psychological impact that is to present false information and thereby creating distorted reality.
Ensuring the safety of their information resources	The secure system is aimed at processing and storage; confidentiality and integrity of information from unauthorized access, use, modification, or destruction of records.
Undermining the quality of information the enemy	Provides impact on people's minds through the media by distortion and presentation alternatively, the opposite information from any false facts, their confirmation and substantiation.
Prevention information gathering capabilities by opponent	Applies to all aspects of information security, regardless of the form in which it is located, other words providing of information security.

The main element of information warfare is the information weapon, defined as the means of destruction, distortion or theft of information files, extracting from them the necessary information after overcoming of security systems, limit or prohibit access to legitimate users, disruption of technical means, telecommunications networks, computer systems and all high-tech provided society and state functioning [2].

So the information weapons should include:

1) means of information and technical origin in which there is distortion, destruction or theft of information, regardless of the system protect such information;

2) information and psychological means by which false logic concept, interpretation, etc. are generated, there is misinformation that affects public opinion on the life of state and society in general.

Information warfare is aimed at all aspects, factors and possibilities of destruction that inevitably arise with increasing dependence on information and on the use of information in various conflicts. Therefore, an important component in ensuring national security are conducting measures to protect personal information space, information resources and information infrastructure of the state, ie, information security. It is necessary to create an effective system of countering threats to information and more options for combating this into account, the greater probability of success in a given informational aggression.

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BASIC PRINCIPLES OF LAW ENFORCEMENT STAFF TRAINING IN UKRAINE AND EUROPEAN UNION COUNTRIES

Qualitive training of law enforcement stuff has been quite topical under current conditions. It is principally based on a great number of tasks imposed on them. These tasks are directly related to life and health of citizens, public safety, fighting against crimes and other offences.

Foreign countries have gained great experience in stuff training for police services. The following principles of law enforcement stuff training in European Union countries can be determined: commitment

of education and professional training of future employee to human rights and freedoms protection; fundamental understanding that police must help every citizen both in case of committing a crime, accident and in extreme situation, domestic conflict, etc., readiness to instant and right actions in all these cases, bringing to automatism such skills while training; openness, publicity, regular appeal to public opinion while solving difficult situations, arising in law enforcement practice, ensure trust and support of citizens (special course «Work with people» is studied while police officers of Germany, France and Italy training). Prestige of law enforcement activity supported first of all by high level of law enforcement officers' social security as well as creating a positive image of police forces by state authorities and significant number of media plays an important role.

Organization of activity as to law enforcement, public safety, fighting against criminality in every its aspect has its own specificity and peculiarities. It should be noted that functions of Ministries of Internal Affairs in most foreign countries are much wider than those of Ukrainian Ministry of Internal Affairs. Thus, in particular, Ministries of Internal Affairs of France, Italy, Spain, Portugal, Netherlands, Belgium control activity of local governments, deal with issues related to contacts between state and church, social welfare, state archives activity, public charities apart from police management.

Basic tasks of Ukrainian law enforcement agencies staffing are prediction and programming of needs for police stuff both for current period and for prospect [3]; law enforcement personnel training, retraining and proficiency enhancement organization, increase of their motivation for development and self-improvement; law enforcement officers work optimization and rationalization, their activity productivization [2:29]; meeting material and technical, information, financial, household, social and other needs of law enforcement officers, etc.; increasing the prestige value of law enforcement profession, identification of new tendencies and needs for staffing, etc.; establishment of not only knowledge and skills but also ability to self-development, adaptation to new social, information, technical and technological requirements, qualified obtaining of new knowledge by way of self-education while studying in educational institutions; advances of skills for work with scientific and technical tools which are widely used in police work of foreign countries in law enforcement officers training educational programs.

Task to develop Ukraine as a democratic law state, its joining to European structures needs also complex resolving of issues of law

enforcement force and internal affairs number optimization, their activity improvement among others and in part of staffing and professional training of personnel. It is quite natural then that law enforcement officers from many countries are interested in professional interstate partnership to unite efforts in fight against organized crime, corruption, drug trafficking, illegal migration, human trafficking, cyber crimes and other wrongful acts [1: 15].

Basic forms of cooperation with foreign law enforcement agencies and profile educational and scientific institutions are: participation of higher educational institutions representatives in international scientific events and programs; sending teaching stuff, cadets and post graduate students for studying and traineeship to foreign educational institutions and law enforcement departments; publication of scientific-research and research-experimental results of educational institutions teaching stuff's works in foreign scientific publications; participation of law enforcement officers in international sport competitions, cultural events, social actions, etc. [4: 9].

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JUVENILE DELINQUENCY IN THE USA

In the last ten years, crime in the United States has increased four times faster than the national population! The problem is much more chilling when one refers to statistics relating to juvenile crime. Children under fifteen now commit more crimes than by over twenty-

five! Reports from the National Council on Crime and Delinquency and from the Federal Bureau of Investigation show a staggering upsurge in the number of juveniles arrested foe serious crimes.

So and what is juvenile delinquency? Juvenile delinquency means different things to different people. To some, a juvenile delinquent is a boy or girl arrested for a law violation. To others, a single appearance in juvenile court identifies the delinquent. To many, the term covers a variety of antisocial behaviors that offends them, whether or not the law is violated. Juvenile delinquency is a blanket term that obscures rather than clarifies our understanding of human behavior. It describes a large variety of youths in trouble o*r* on *the verge of trouble.*

The police concept classifies the delinquent as the statistical delinquent and personality-disordered delinquent. The statistical delinquent is a youngster who is involved in a delinquent act through impulsiveness or immaturity. As an example, he is involved in an automobile theft without, at that time, realizing the consequence of his actions. Such actions usually occur "on the spur of the moment" while the individual is involved with other youngsters. This youngster is not a recidivist and responds to agency services provided. However, he is a "statistic" because this impulsive delinquent act is reported by the arresting agency and, in some cases, in a subsequent referral to the juvenile court.

Delinquency is often the result of a combination of factors, some of which may be founded in environment of the child and others within the child himself.

So before turning to the various theories of delinquency causation that are discussed before, it is important to point out the correlative factors of delinquency. Correlative factors relative not only to the physical contexts of delinquency, but also to the social-psychological climates closely associated with delinquency.

The correlatives of delinquency are age, sex, poverty, and social class membership, primary group and schools.

Now I would like to tell about these factors more closely. Therefore, the first is age factor. If the causal roots of delinquency are debatable, there can be no argument about the age factor. No matter what the category of time or delinquency statistics – and they are both highly variable and both open to serious question – one striking trend appears repeatedly: there is an ever-higher proportion of offenders

among those of young age. The statistics do seem to justify the following sets of conclusions: (1) the crime rate is highest during or shortly before adolescence. (2) The age of maximum criminally varies with the type of the crime (the age group of fifteen to nineteen years has the highest official rate for theft auto; the age group twenty to twenty-four has the highest official rate of robbery, forgery and rape; and the age group thirty-five to thirty-nine has the highest rate for gambling and violation of narcotic drug laws). (3) The age of first delinquency and the type of crime typically committed at various age varies from the area to area in cities, the age of first criminality is low in areas of high rather than low delinquency (boys aged ten to twelve commit robberies in some areas of large cities, while the boys of the same age commit only petty thefts in less delinquent areas). And (4) the age of maximum general criminality for most specific offences is higher for females than for males [2, p. 98]. This trend is growing in many states and the importance of early rehabilitative procedures before the individual is remanded to adult penal custody is gaining wide support. Individualized treatment can best be accomplished, it is being recognized, when individual is still young.

The second is sex factor. Boys are apprehended for offences approximately 3.5 times more frequently than are girls. The underlying reasons are not difficult to locate. It is because of role-behavior difference and status distinctions accorded to adolescence in the American culture, the society expects girls to act differently than boys, and surrounds their behavior with restrictions that act as barriers to delinquent activity. Delinquency among boys is induced largely by opportunities presented by the environment, while among girls delinquency is due more often to emotional maladjustments and personal inadequacies.

The third factor is poverty. Now few of the variables associated with crime and delinquency have been more misunderstood than that of poverty. Contrary to early investigations, recent studies indicate almost “null” relationship between poverty and delinquency. This does not mean, however, that conditions of poverty no longer breed crime and delinquency. Low economic status is not a direct cause of delinquency. It is rather one of many variables that more or less automatically “go together,” (including broken families, suicide, certain types of psychosis, and alcoholism). However, correlations and cause-and-effect relationships are not necessarily synonymous.

We can safely assert, then, that although poverty and low economic standards are concomitant with delinquency, they are not indispensable characteristics. To be "poor but hones" is, in fact, the rule than the exception.

The forth factor is social-class membership: middle-class and lower class delinquency. Despite the professed democratic idea of a "classless" society, a realistic appraisal of the contemporary social-economic map dictates an irrefutable fact: Americans are stratified into hierarchical system of power, prestige, and value-oriented groupings. American lower class and middle-class subcultures differ from one another at highly significant points. However, the most crucial differences, in terms of delinquency, relate to the vastly different child–rearing techniques and social values instilled in children by the two classes. At the risk of generalizing, it can be asserted that where the middle class typically stresses parent/children relationship geared to love and dependence through late adolescence, the lower class tend to give their children physical and psychological freedom well before the adolescence years.

As one can see, the juvenile justice system has many segments. Police, courts, correctional institutes, and aftercare services (the correctional process that deals with the juvenile after institutionalization has taken place is referred to as aftercare services). The interrelationship between various segments of the system is, apparently, the most significant problem in the juvenile justice system. In other words, the system is no more systematic than the relationship between police and court, court and probation, probation and correctional institutes, correctional institutes and aftercare services. In the absence of functional relationship between segments, the juvenile justice system is vulnerable to fragmentation and ineffectiveness.

The primary responsibility of law enforcement is the control and prevention of crime and delinquency through the enforcement of laws that are necessary for the good order of society. Since minors under the age of eighteen years commit many crimes, a large proportion of police works involves the detection, investigation, apprehension, and referral of these juveniles. In addition, law enforcement agencies are concerned with minors who come to their attention for noncriminal reasons. The initial handing of neglected children, for example, is often a police matter; and police officers have the responsibility of dealing with runaway, incorrigible, and wayward youngsters.

A juvenile who commits an offense can thus come before the juvenile court either in criminal proceedings or in care proceedings, although the court may not take action in care proceedings unless satisfied that the juvenile is in need of care, protection, or control; the fact that an offense has been committed is not in itself sufficient.

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LAW ENFORCEMENT IN UKRAINE

1. The prosecutor's office of Ukraine.

The prosecutor's office of Ukraine constitutes the single system, according to the procedure, provided by this Law, performs the functions established by the Constitution of Ukraine for the purpose of protection of human rights and freedoms, interests of society and the state.

Article 2. Functions of prosecutor's office

1. The following functions are assigned to prosecutor's office:

1) maintenance of crown case in court;

2) representation of interests of the citizen or the state in court in the cases determined by this Law;

3) supervision of compliance with laws by bodies which carry out operational search activities, inquiry, the pretrial investigation;

4) supervision of compliance with laws in case of execution of judgments on criminal cases, and also in case of application of other measures of forced nature connected with restriction of personal liberty of citizens.

2. For the purpose of sale of the functions the prosecutor's office performs international cooperation.

3. The functions which are not provided by the Constitution of Ukraine cannot be assigned to prosecutor's office.

2. Activities of prosecutor's office.

Activities of prosecutor's office are based on the principles:

1) supremacy of law and recognition of the person, his life and health, honor and advantage, immunity and safety the highest social value;

2) legality, justice, impartiality and objectivity;

3) territorialities;

4) presumption of innocence;

5) independence of prosecutors, providing existence of guarantees from illegal political, material or other impact for the prosecutor concerning adoption of decisions by it on duty;

6) political neutrality of prosecutor's office;

7) inadmissibility of illegal intervention of prosecutor's office in activities of bodies of legislative, executive and judicial authority;

8) respect for independence of judges, the providing prohibition of the public statement of doubts in justice of judgments out of the procedure of their appeal according to the procedure, provided by the procedural law;

9) transparency of activities of prosecutor's office that is provided with open and competitive holding the post of the prosecutor, the open entry to information of help nature, provision on information requests if the law does not set restrictions concerning its provision;

10) strict observance of requirements of professional ethics and behavior.

Article 4. says about legislation on prosecutor's office and status of prosecutors

The organization and activities of prosecutor's office of Ukraine, the status of prosecutors are determined by the Constitution of Ukraine, it and other laws of Ukraine existing with international treaties which consent to be bound is provided by the Verkhovna Rada of Ukraine [2].

3. National Academy of the Public Prosecutor's Office of Ukraine

National Academy of the Public Prosecutor's Office of Ukraine – a state institution with a special status, operates under the aegis of General Prosecutor's Office of Ukraine and acts on grounds of the Constitution of Ukraine, Law of Ukraine «On Prosecution», other legal and regulatory acts of Ukraine and a charter.

National Academy of the Public Prosecutor's Office of Ukraine is a successor of the Academy, it was formed according to

the regulation by the Cabinet of Ministers of Ukraine in October 25, 2002 № 1582.

According to the regulation of the President of Ukraine from October 25, 2007 № 1013/2007 Academy was given a public status.

Today National Academy of the Public Prosecutor's Office of Ukraine conducts:

– prosecutors training;

– preparation and advanced trainings for state employees working in prosecution authorities;

– scientific and methodological pro-vision of prosecutorial activity;

– publishing activities;

– interuniversity and international cooperation.

Advanced trainings for prosecutors are conducted with an aim to advance and improve their knowledge and skills for public prosecution office, compilation of procedural documents, learning prosecutorial ethics and regulations. There are day form and distance learning form options, duration of which is set by taking into account the student categories.

Educational and methodological plans are compiled in accordance with the proposals made by independent and organization units of the General Prosecutor's Office of Ukraine, regional and local prosecutor offices taking into account practical needs of prosecutors, achievements in modern legal science.

Deputy Prosecutor General of Ukraine, heads of independent organization units of General Prosecutor's Office of Ukraine, heads and deputy heads of regional and local prosecutors, judges, lawyers and representatives of other government institutions and international organizations participate in conduction of an educational process.

Scientific and methodological provision of prosecutorial activity provides basic and applied science research with an aim to provide advanced and organic combination of latest developments in scientific sphere with practical needs of procuracy activity and taking into account an educational process.

National Academy of the Public Prosecutor's Office of Ukraine conducts publishing activities, with its reprography center and an optimal set of sophisticated automated equipment that allows producing the necessary printed output for the Prosecutor's Office of Ukraine and Academy.

Academy is the founder of the printed edition «Herald of National Academy of the Public Prosecutor's Office of Ukraine» and electronic specialized publication «Scientific periodical of National Academy of the Public Prosecutor's Office of Ukraine», which are included in the list of scientific specialized publications of Ukraine.

National Academy of the Public Prosecutor's Office of Ukraine is a publisher of national, legal, official edition of the General prosecutor's Office of Ukraine «Prosecution Herald».

National Academy of the Public Prosecutor's Office of Ukraine signed a lot of agreements on cooperation with educational and research institutions of Ukraine and with international institutions as well. Academy became a partner of different programs and projects that have been introduced by the European Union, Council of Europe, the US Embassy in Ukraine, The German Foundation for International Legal Cooperation and other international organizations [1].

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TYPES OF COMPUTER CRIME

Mainframe computers have been used for many years. During roughly the last 25 years there has been a proliferation of personal computers. Together, mainframe and personal computers have affected our lives to a degree far beyond that of any other technological development from the same period.

Being "connected" is now less about politics and more about being on-line to the information superhighway through service providers such as the Internet, GEnie, Dow Jones News/ Retrieval, Microsoft Network, eWorld, CompuServe, Prodigy, Interchange Online Network, and America Online, which provide access to amazing arrays of information and data.

Computer crime covers any illegal act for which knowledge of computer technology is used to commit offense.

The National Institute of Justice recognizes five major categories of computer crime:

1. Internal computer crimes
Trojan horses
Salami technique
Trap doors
Logic bombs
2. Telecommunications crimes
Hacking
llegal bulletin boards
Misuse of telephone systems
3. Computer manipulation crimes
Embezzlements
Frauds
4. Support of criminal enterprises
Database to support drug distributions
Database to keep records of clients transactions
5. Hardware/software thefts
Software piracy
Thefts of computers
Thefts of microprocessor chips
Thefts of trade secrets [1].

Internal Computer Crimes

Internal computer crimes are alterations to computer programs that result in the performance of unauthorized functions, such as deletion or manipulation of data in a computer program with the aim of stealing assets from a large number of accounts.

Telecommunication Crimes

State securities regulators around the United States are concerned about the explosion in illicit investment schemes now flourishing on commercial bulletin board services operated by on-line service providers. In a Texas case, a retiree sent a total of $10,000 to an out-of-state man who promoted himself on a major computer bulletin board as a skilled money manager. In fact, the man was not a licensed stockbroker or investment adviser, the mutual fund in which the retiree had invested did not actually exist, and it appears that the money went directly into the promoter's pocket [2].

Misuse of Telephone Systems

In one phreaker case, a company figured out how to avoid the internal fraud system for long-distance charges and then time cheaply to friends to make telephone which resulted in a $108,000 loss. Telephones are also subject to attack by phreakers. This is done by using one of two cellular methods: "cloning" and "tumbling." The use of cellular phones with cloned numbers is popular with criminals, particularly those dealing in drug, who may lease them for up to $ 750 per day.

Computer manipulation crimes

These types of crime involve changing data or creating electronic records in a system for the specific purpose of advancing another crime, typically fraud or embezzlement.

For instance, two men received permission to set up an "ATM" at a Connecticut shopping mall. In fact, the "ATM" was not connected to any bank. It was a bogus operation that stole the security card numbers of 120 people by creating an electronic record of them. These numbers were then used to encode bogus cards that ended up being used in real ATMs from New York to Florida. In all, $100,000 was stolen before the scheme was exposed and those responsible arrested.

Support of Criminal Enterprises

Computers appeal to criminal enterprises or businesses for many of the same reasons they appeal to others: they are quick, very reliable, accurate, and perform many business-type tasks far faster than if done manually. Thus they are used to support many different types of criminal enterprises, including loansharking and drug rings.

Hardware and Software Thefts

The theft of desktop and laptop computers, monitors, printers, scanners, modems, and other equipment continues to be a major problem. For example, in 1992, $1.5 billion worth of Apple computer equipment was stolen. 26 There is also evidence that some laptops have been stolen not to acquire the laptop itself but to steal documents on its hard drive or to find a password.

Among many problems confronting investigators are those some victims–such as financial institutions, consulting firms, and corporations may not report the fraud or prosecute the offender because of the adverse publicity involved. They simply do not want depositors, potential clients, and shareholders to think them incapable of

managing their affairs. Additionally, because many crimes go unreported, the police, prosecutors, and the legislative bodies have only a partial understanding of the true scope of the problem.

But in order to prevent computer crime the Software Business Association (SBA) is working internally to combat software piracy. Microsoft donate to SBA percent of whatever they recover in so piracy settlement cases to strengthen effort, with the balance going to train ployed information technology professionals. At Pittsburgh's Carnegie Mellon University, Computer Emergency Response Team was up, with federal funding, to monitor the section of the Internet and other national computer works, especially those operated by the government and the military [4].

Developing the question of the impact of information technology on organized crime in Ukraine, it should be noted that the reason for the existence of the specified unlawful phenomenon in practice is also inadequately the interaction between the media and law enforcement. For example, we present the results of the study S.Bratelya about the state of the interaction of one of the law enforcement agencies – the interior Ministry and the media. Studying this question, the latter had prepared and sent letters to Newspapers "Evening Kiev", "Voice of Ukraine", "Day", "Mirror of week", "Governmental courier" and others. The letters were requested to answer questions regarding: the availability of newspaper columns devoted to the activities of the police, articles or messages, which are comments of the leadership of the police department, published in newspapers in 2002, 2003, 2004 and 2005. In the prescribed time of the received response only from the newspaper "Government courier", where it was stated that the wording of the following services does not provide. Other newspapers did not provide the responses. Given allows to conclude that one of the causes of transnational organized crime is improperly organized law enforcement cooperation with the media [3].

The last major cause for the development of transnational organized crime is the imperfection of Ukrainian legislation to combat a specific crime. For example: in the legal acts there is no fixed definition of "transnational organized crime", not defined a specific form of interaction with this phenomenon of law enforcement bodies of Ukraine.

In order to minimize the emergence of transnational organized crime in Ukraine, we need to specify in the legislation and depart-

ment normative acts of law enforcement bodies, the material basis of the disclosure of crimes and accordingly to provide in the budget of Ukraine remuneration to citizens for their participation in solving crimes, including confidential help.

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IONIZING RADIATION – ITS HARMFUL EFFECT ON HUMAN BEING AND WAYS OF EFFICIENT PROTECTION

Humanity has coped with plague, smallpox, cholera and other diseases, has found ways to deal with many diseases, permanently looking for ways to prolong life, to prevent wars, but has not learned how to defend the person's health in the daily work. International statistics claims that that nowadays injuries and deaths from accidents can be equated to the epidemic. Thus, according to the World Health Organization (WHO), deaths from accidents now ranks third after cardiovascular diseases and cancer; and from such diseases usually die elderly people, but due to accidents mainly young and middle age people are killed. At the same time, the death causes analysis in Ukraine shows what accidents in production and non-production areas is the main death cause of our working age men.

Ionizing radiation is the radiation which can ionize the environment directly or indirectly.

Ionizing radiation is alpha, beta and gamma radiation issued by radioactive traces during their spontaneous splitting; back radiation

flows (X-rays and gamma rays, protons, neurons and deuterons) occurring during the interaction between radioactive rays and artificially accelerated particles and the substance.

Radioactive tracers are used in industry as a source of alpha, beta and gamma rays.

Alpha rays are a flux of alphas – helium nuclei that have positive charges. They have a lot penetrating power because they lose a large amount of energy when colliding with atoms.

Beta rays are a flux of betas – electrons and protons that have equal masses. They are characterized by a lower ionizing and a higher penetrating power than alpha rays.

Gamma rays are a flux of gamma quanta – electromagnetic radiation with a short wave-length. They have a high penetrating and a low ionizing power.

Radiation that effects a living tissue causes ionization, increases atom reactivity and produces free radicals.

Free radicals react with molecules of protein, enzymes and other vital substances, as a result of which normal biochemical reactions are impaired and metabolic diseases appear. Henceforward, physiological processes and blood structure begin to change. At the last stage of radiation disease, cells and the entire body die.

Radiation safety is regulated by the following documents: "Radiation Standards of Ukraine" (RSU-97, НРБУ-97) and "Basic Sanitary Rules of Working with Radioactive Substances and Other IONIZING Substances" (BSR, щсп-72/87).

Maximum permissible dose (MPD) is the biggest dose effecting human body that does not cause irrevocable somatic and genetic changes in it, which are detected with the help of modern examination methods.

The system of dose limitations and principles of their use are given in (RSU-97, НРБУ-97), where three categories of people who may be exposed to radiation are listed:

– Category A includes personnel who deal with radioactive substances professionally;

– Category B includes persons who may be exposed to radiation due to their living and working conditions;

– Category C includes the rest of Ukrainian population.

In accordance with radiation sensitivity reduction level three groups of critical organs have been established:

I – group includes the entire body, gonads, red bone marrow;

II – group includes muscles, thyroid gland, adipose tissue, liver, kidneys, spleen, gastrointestinal tract, lungsm lens and other organs that are not included in groups I and III;

III – group includes skin, bones, shanks and footsteps (table).

Table

Dose limits of external and internal radiation

Dose limits of external and internal radiation per year in Sv	Groups of critical organs		
	I	II	III
MPD for category A	0,05	0,15	0,30
MPD for category B and C	0,005	0,015	0,03

Ionization radiation protection can be ensured in the following ways: use of sources with minimal radiation by means of reducing radiation source activity; reduction of working hours with ionizing radiation source; workplace removal from ionizing radiation source; ionizing radiation source shielding; staff working area shielding; use of individual protection means; implementation of hygiene and sanitary measures as well as of treatment-and-preventive measures; implementation of labor protection measures for work with open and closed ionizing radiation sources; external radiation source protection; prevention of radioactive nuclide spreading in the working area and into the environment; proper planning and preparation of the working area; organization of proper radiation control; creation of safe conditions for radioactive substance transporting and collecting as well as for radioactive waste disposal; use of individual protection facilities etc.

The most common means of protection from ionizing radiation is shielding. There are movable or fixed shields which are designed to absorb or reduce ionizing radiation. Walls of containers for radioactive tracer transportation and preservation also function as protective shields.

Alphas are shielded by a layer of air a few centimeters thick or a glass pane a few millimeters thick. However, when dealing with alpha-active isotopes it is also necessary to protect oneself from beta and gamma radiation.

For protection from beta radiation, materials of a small atomic mass are used. For this purpose, combination shields are used, in which the side facing the source is made of material whose atomic

mass is small and layer thickness is equal to beta range, and the next material has a big atomic mass.

For protection from X-ray exposure and Gamma – radiation, materials of big atomic mass and high density (lead, tungsten) are used.

To protect from neutron emission, materials that consists of oxygen (water, paraffin) and also boron, beryllium, cadmium, graphite are used. Taking into account the fact that neutron flux is followed by gamma – radiation, it is advisable to use combined protection represented by layered shields of light materials (lead-polyethylene).

Remote controls, manipulators and complexes that include robots are effective means of protecting from radiation.

Depending on the kind of work, different means of protection are used: cotton overalls and hats. Protective aprons, rubber boots. There are special demands to areas where work with ionizing radiation sources is carried out. Such areas are located in separate buildings or building departments that have a separate doorway with sanitary sluices. At the entrance, sights of radiation danger must be posted and classes of work carried out listed. Unauthorized persons must not be admitted. In order protect people from ionizing radiation, different substances of artificial and natural origin are used; they are able to fix and destroy radioactive nuclides in the human body (radioprotectors). Such radioprotectors include: polyamides, citric and oxalic acids, barium sulfide, ferrocyanide-based sorbent agents etc. The effect of radioactive nuclides can be significantly reduced by consuming certain foodstuffs such as products rich in protein (blackberry, gooseberry, dog-rose, cranberry juice, apples).

Another effective method of ensuring radiation safety is the monitoring of personnel exposure level and radiation level in the environment.

Radiation dose control can be fulfilled with the help of the next methods ionization, scintillation, photographic and chemical.

Ionization method is based on the ability of gases to conduct current under the effect of radiation. In accordance with this principles, ionization chamber and gas-meter function.

Scintillation method is based on the ability of certain solid, liquid and gas substances to shine under the influence of ionizing radiation. Alternating lights are transmitted to electric calculating circuits through secondary emission photocells; in accordance with alternating light intensity the dose is established.

Photographic method is based on the ability of photoemulsion to change its quality under the influence of radiation. A photographic plate wrapped in backing paper is placed in the zone of radiation effect. Later on, the plate is developed and depending on the level of its blackening the dose is established.

Chemical method is based on the ability of some chemical substances to change color under the influence of ionizing radiation. Depending on the level of coloring the dose is established.

In any human activity there is a risk of injury or the disease acquire. The man who has skills and knowledge of safety rules, takes into account the risk and apply measures to reduce it or completely exclude. Therefore, the study subjects regarding ccupational safety (of occupational health basics and safety measures at workplace) helps to reduce production risk and preserve the life and health of many people.

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CODE OF ETHICS FOR TRANSLATORS

The question that interests us more than others is that – Have the translators any Code of Ethics? We'll try to explain the main parts of Ethics Rights for translators/interpreter and from what it consists of.

Firstly we should understand why we need this Code of Ethics? The main reason is to establish the minimal professional standards for translators/interpreters

If you want to be a professional translator you should know general things about professional conduct:

1. Interpreters and translators shall be polite at all times. It's mean that you shall at all times maintain a professional attitude in dealings with all client's. But in the performance of their duties they shall not accept any gratuities or other consideration, benefit or advantage of any kind.

2. Interpreters and translators shall not allow any personal or other interest to interfere with the discharge of their duties. You should maintain your independence at all times but also Interpreters and translators shall not exercise power or influence over their listeners or readers.

To be polite and tolerant means that you shall adhere to appointment times and deadlines, or otherwise advise their supervisor accordingly so that the necessary action may be taken. You must accept assignments that you are competent to perform.

What about the quality – Interpreters and translators shall convey with the greatest accuracy, and with complete neutrality, the wording used by the persons they interpret or translate. You shall convey the whole message, including vulgar or derogatory remarks, such as the tone of voice and emotions of the speaker, which might facilitate the understanding of their listeners. You must not embellish, omit or edit anything from their assigned work. The translator must translate accurately. By accurate translation we understand a translation that preserves the meaning, style and register of the source document.

3. If something goes wrong and you can't translate because some word is unclear, it's normal to ask for repetition, rephrasing or explanation. You also shall ensure, where practicable, that speech is clearly heard and understood by your audience.

There are also Duties Related to Relationships Among Colleagues. Be respectful of colleagues and of their work means not seek to gain colleagues' clients by offering low fees or by any sort of action carried out in bad faith

Refrain from making statements that might undeservedly undermine the reputation of colleagues.

The main part of translator's work is confidentiality. The translator must respect confidentiality and privacy of the information contained in all documentation provided by the client for the purpose of translation. All information submitted shall be confidential and may not be reproduced, disclosed or divulged.

4. Limitation of practice. The translator must know his/her linguistic limitations that go beyond his/her skills and competence.

The translator must only accept assignments that he/she can complete and deliver in a timely manner(by the due date).

The translator must accept documents that he/she can translate. No work should be subdivided with colleagues without prior written permission.

The translator should be an expert in the target language.

The translator should accept translations only for fields or subject matters where he/she has knowledge and experience.

To sum up, we'd like to say that you should improve your language skills all time, if you want to work as a professional translators because of it's very hard convey the right meaning for person from other country – you should practice every day and try to share you knowledge with other translators.

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IMMIGRATION IN UKRAINE: CURRENT CONDITIONS AND CONSEQUENCES

Intraregional migration constitutes a considerable part of migration movement in Ukraine: the scale of regional movements of the population from one region to another within the country during 2007–2009 amounted to more than one third of gross migration. During 2000s Ukraine experienced the diversification of interstate migration flows. If the total number of registered movements of the population between Ukraine and other states including all migrants regardless the directions for their travels and countries of destination decreased by 2, migration exchange with the far abroad countries during

the same period reduced by 2,2 and with CIS countries – by 1,9. Changes in the size and structure of migration flows are followed by the improvement of migration situation in Ukraine. Already in 2005 Ukraine turned into the country admitting immigrants and its migration losses over 2004-2005 are compensated by former citizens from CIS countries. However, for the first time since 1990s the increase of the population due to migration exchange with the far abroad countries was recorded in 2006 [2].

Ukrainian labour migration, at least to a certain extent, can be characterized by 'brain waste', in light of the existing mismatch between migrants' skills and occupied positions. Only few of the migrants manage to find jobs abroad corresponding to their qualification levels, regardless of their education, almost all of them are working in low skilled jobs. This disparity is further evidenced when data on migrants' areas of employment abroad (see Figure 3) are juxtaposed with their education level.

Aging is an inevitable demographic trend and Ukraine is projected to experience an increase in the percentage of Ukrainians of retirement age (aged 65 or over) from 14% to 20.5%. This development will have significant consequences for the labour force, who will have to support the growing number of pensioners and people in need of health care.

Migrant-non-migrant wage differential: the average migrant wage abroad was USD 82025 in 2008, which was almost 3 times higher than the average salary in Ukraine (USD 28126). The main migration push factors for Ukrainian labour migrants are the improvement of their living standards and the prospect of higher salaries (over 56%); whilst unemployment is a marginal variable (less than 7%). However income differentials are not the sole motivation factor for migration; the decision process includes non-fiscal variables such as social preferences and cultural values.Ukraine receives the largest shares of remittances from Russia, United States, Germany, Greece, Italy, and the United Kingdom36, which indicates that it is not only Ukrainian labour migrants making transfers but also the diaspora (see diaspora chart below) [1].

Remittances to Ukraine are nearly equivalent to Foreign Direct Investment (FDI) and almost eight times higher than Official Development Assistance (ODA). Hypothetical models estimate that the Ukrainian economy would have lost about 7% of its potential without

the stimulating effects of migrant transfers32 and that a 10% increase in per capita remittances leads to a 3.5% decline in the share of people living in poverty33. The biggest share of remittances is used for living expenses (73%) and consumer goods (26%), whilst only 3.3% are used for setting up a business34. One per cent reduction in transaction costs raises recorded remittances by 14–23% [1].

Aging is an inevitable demographic trend and Ukraine is projected to experience an increase in the percentage of Ukrainians of retirement age (aged 65 or over) from 14% to 20.5%. This development will have significant consequences for the labour force, who will have to support the growing number of pensioners and people in need of health care. The dominant types of economic activity among Ukrainian labour migrants are construction, more prevalent among men, and domestic care, more common among women. It is estimated that approximately one quarter of all migrants are working abroad with an irregular status.

The degree of economic divergence between Ukraine's regions is significant. For instance, per capita income in the Donetsk Region is USD 683 (in the first quarter of 2011), which is 20% higher than the average income in Ukraine (USD 550), while the income in the Chernivtsi Region (USD 352) is 37% less than the average. These economic disparities and asymmetric development paths between the regions have to be perceived as one of the factors explaining the current geographical distribution pattern18 (see Map 4). Other key factors include EU border proximity, established migration networks, and cultural ties.

Since 2009 the general trend signifies a decrease in the number of irregular migrants in detention, which is linked to the declining number of non-CIS (mainly Asian) third country nationals entering Ukraine irregularly.

In summary therefore, we see: winning the importing country workforce is that, given the country receives cheap and undemanding labor force (mostly of working age) finished specialists; in a country accelerated economic growth.

Winning countries exporting manpower is that: remittances that migrant workers regurgitate their families, increase purchasing power and improve living standards of the past, much of the currency "settles" in banks; reduced strain on the labor market; increased qualification returning migrants back (experience of modern management,

mostly in the service sector – boldly made innovation and application of new production technologies), a percentage which puts earned money to start their own business, which certainly has a positive effect on the economy, that generates social problems that the Ukrainian nation is not much safer than economic benefit.

The ultimate goal of migration policy regarding labor migration should exercise due to socio-economic measures to overcome the economic crisis, to ensure production growth, the elimination of social tension in the country by achieving a balance between supply and demand of labor in the labor markets, prevention of mass unemployment and ensuring rational employment structure people.

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HARMFUL SUBSTANCES AND PROTECTION AGAINST THEIR IMPACT

Occupational safety as a branch of science appeared on the intersection of social legal, technical and medical science, the science about a human being. The main object of its investigation is a human being in the process of work, industrial environment, organization of work and industry. Based on this research, the means and ways aimed at maintaining health and the ability to work of a human being in the process of work are being developed.

According to the statistics, during the recent years 3 million people, of whom 1 million are woman, work in the national economy under the conditions that do not correspond to the sanitary hygienic norms.

Occupational hygiene is the branch of preventive medicine which develops scientific fundamentals and practical measures for

ensuring improvement of work conditions in order to preserve employees' health and high level of work ability and to prevent occupational injuries, diseases and others work-related negative consequence.

Production sanitation is a complex of measures aimed at enhancement of work conditions, elimination of harmful factors and occupational diseases prevention, which rises productivity and efficiency and production quality.

Industrial environment is the totality of physical, chemical, biological and social factors that affect the employee.

Work area is an area of workplaces where employees stay temporarily or continuously.

According to the Sate Standard (ГОСТ) 12.0.003-74 "Dangerous and harmful industrial factors", dangerous and harmful industrial factors are divided into:

– *physical* (moving machines and mechanisms, products, falling items, increased or decreased temperature, humidity, speed, air ionization and barometric pressure; increased level of noise, vibration and radiation (ionizing, laser, EMF, infrared, ultraviolet and luminous radiation), electric current, sharp-edged equipment, high-altitude works, etc.);

– *chemical* (chemical substances);

– *biological* (bacteria, viruses, fungi);

– *psychophysical* (physical overstrains – static, dynamic, and neuro-psychological factors – mental overstrains, analyzers overexertion, work monotony, emotional overstrains).

Chemical substances which enter the body in industrial conditions even in relatively small amounts and cause physiological dysfunctions are called poisons or toxic agents. These substances cause occupational poisoning. Harmful (toxic) substances can be in solid, liquid and gaseous states.

The State Standard (ГОСТ) 12.1.005-88 "General sanitation requirements to work area" stipulates the permissible concentrations of harmful substances in work area air.

Permissible concentration of harmful substances in work area air are concentrations which within an 8-hour workday and within the whole period of service cannot cause diseases or health abnormalities. If the concentration exceeds the permissible level (PL), this can result in occupational diseases or poisonings (table).

Table

Harmful substances classification

Substance groups	Signs of poisoning
1. Neuro-paralytic agents – hydrocarbons, alcohols, ammonium	Cause nervous system dysfunction, convulsions, paralysis
2. Irritants – chlorine, nitrogen oxides	Affect the upper and lower respiratory tracts
3. Burning agents and irritants – inorganic acids, alkalines	Affect the skin, causes abscesses and ulcers
4. Enzymatic agents – cyanic acid, arsenic, mercury salts	Changes enzymes' structure and deactivates them
5. Liver poisons – benzene, lead	Effect changes in the liver structure
6. Blood poisons – benzene, lead	Inhibit enzymes, affect blood hemoglobin
7. Mutagens – lead and mercury compounds	Causes genetic cell abnormalities
8. Allergens – nickel compounds, pyridine derivatives	Changes the body reactivity
9. Carcinogens – aromatic amines	Causes malignant growth

Main measures against harmful substances are, for example, technical measures, which include replacement of toxic substances with non – or less toxic; automation, mechanization, application of remote control in order to eliminate the contact of the employee with toxic substances; hermetization of the equipment using local and general ventilation.

Sanitation measure include systematic control of toxic substances concentration in the air; use of individual protection means; keeping scheduled work-rest regimen.

Medical preventive measures include preliminary and periodical medical examinations, treatment at health resorts.

So, any professional must be acquainted with the legal and organizational issues of occupational safety, physiology fundamentals, problems of occupational hygiene, industrial sanitation, worker safety and also an active position on practical realization of the priority to protect life and health of employees as related to the results of industrial activity, essential in their professional activity.

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IT TECHNOLOGIES IN JUDICIAL PRACTICE

The rapid changes in modern computer technology have led to the fact that the recent reality and predictions seem ridiculous. "I think that the world market will find a demand for only five computers" – said Tom Watson, founder of IBM in the last century. Ken Olson, founder of Digital Equipment Corporation, was sure that no one will not have any desire to have a computer at home. But in today's world everything is completely different.

Today, computer literacy is as important part of the education of every person as the ability to read and write. But the minimum set of knowledge and computer skills isn't enough to survive in a world where information becomes a weapon, and information and communication technologies affect the governance and change the daily life of every citizen.

An only method to manage with them consists in the use of new information technologies, that change the processes of creation, transferrableness, treatment of information, but also all activity of enterprise, organization or establishment. Obviously, the lawyer must know how to use information technology in his work and what legal information systems are created and introduced. But regardless of future job requires knowledge of computer technology in general, the trend of information, information systems business firms, banks, government and others. Without this, the lawyer can not effectively perform its functions, tasks.

Legal issues of electronic document management and Internet software copyright , protection software, cybercrime and others led to

the emergence of what is called “Information law” or “Law on Information Technology”. This scope is for qualified, talented lawyers ready for the most incredible future.

Informatization is totality of associate organizational, legal, political, socio-economic processes. Their aim is to create terms for satisfaction of informative necessities of citizens and society due to development and use of the informative systems, networks and technologies that are based on application of the modern computing, communication and engineering. Today informatization is an important function of the state, a factor which ensures its security and sovereignty [1].

Legislative and regulatory logistics informatization process started in Ukraine after the adoption in 1998 of the Laws of Ukraine “On the National Informatization Program” and “On approval of the objectives of the National Informatization Program for 1998–2000”. National program of information involves the sectoral and regional programs and projects. In particular, it is planned to create and develop information-analytical and automated systems, centers and networks in the legal field. The sources of legal information is the Constitution of Ukraine, international treaties and agreements, norms and principles of international judicial practice, media reports and public appearances. In the context of information systems and technologies, special importance is such a thing as data-information presented in a formalized form suitable for processing by automated means of possible human intervention [4].

Organization of data is a prerequisite for the creation of legal information systems and providing adequate legal information society, but using such databases can lead to new problems. For example, unlawful disclosure or use an ax to grind. To prevent such abuses ownership of legal information should belong to the state, and the use of data must be regulated by law.

In jurisprudence support systems are often used. They are not only for economic use, but intended for law enforcement, judicial proceedings, national security, Security Service, Customs, Tax Police, migration services and others. Obviously, in legal activity it will be able to apply calculation as in general lines so the functionally orientated systems.

The systems of support of making decision are very often used in judicial practice. For example, analytical products English company i2 Group uses 1,300 government and commercial organizations in 90 countries. I2 technologies have proven themselves when it comes to the introduction of operational-investigative information,

data analysis, visualization of results, drug trafficking and economic crimes. The system provides checks made by investigative leads, visualization of facts that indicate guilt or innocence of a particular person, control the investigation of criminal cases. Among the products offered by the company include the following [3]:

Analyst's Notebook – program to show the relationships between people, events, bank accounts, telephone numbers, vehicles and other objects, identifying speakers sequence of events, action diagrams for each event;

IBase – it is an intuitive intelligence data management application that enables collaborative teams of analysts to capture, control and analyze multisource data in security-rich workgroups. It addresses the analyst's daily challenge of discovering and uncovering networks, patterns and trends in today's increasing volumes of complex structured and unstructured data [2].

Analyst's Workstation – is the ultimate software toolkit to make analyzes. This integrated suite of visual analysis and database applications brings relationships, patterns and trends in data revealed. This toolkit is the fastest way to make practical information products like statistics, charts and relationship diagrams. It provides knowledge organizations the ideal base for manufacturing products in the field of analysis and information.

Also often it is possible to see the use of the intelligence systems in judicial practice. It is predetermined by the high level of intellectuality, specialization and professionalism, that are inherent to intellection of lawyer, judge, investigator, criminal lawyer or judicial expert.

Moreover, it is possible to define such directions of application of the intellectual systems and technologies in the field of the law: intellectualization of information retrieval CASS from alegislation; creation of consulting models in the field of enforcement activity; development of algorithms and programs of authentication by means of computer.

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CORRUPTION OFFENSES IN CRIMINAL LAW

Nothing increases the amount of bribes as corruption.

First of all, what is corruption? It is unethical method used by man to gain an advantage over others. Today corruption is one of the biggest factors that hinder the development and strangles the realization of democracy. Corruption has a negative effect on the growth of the nation. It reduces government revenues, but creates inequity in the distribution of income and wealth. Corruption also affects the development of the nation in economically, socially and politically terms [1].

Corruption can manifest itself in different layers of life, most often political and sports. It can exist in the police, law and order and even in Olympics Games. Politicians and sportsman often recognized guilty of corruption on a regular basis. Corruption is mainly due to the wishes and needs of the government. Politicians often use unethical methods to get the most votes in elections, land, more money for their own benefit. Similarly, in the case of sports persons caught for taking doping. Harmful corruption is not any good, as Shakespeare said, "The best way to become damaged by the worst".

The concept of "corruption offense" is not used today in national legislation, at the same time contained in the Convention on criminal responsibility for corruption which adopted on 4 November 1998.

According to the Criminal Law Convention on Corruption of 27 January 1999, the countries that joined it should include criminal penalties for such types of corruption: bribery (committed by public officials, and private sector), trading in influence, money laundering derived from the crimes of corruption and financial crimes.

October 31, 2003 the United Nations adopted the Convention against Corruption, which provides that corruption offenses should be recognized: 1) bribery of domestic public officials; 2) bribery of foreign public officials and officials of intergovernmental organizations; 3) trading in influence; 4) abuse of power; 5) embezzlement in the private sector; 6) laundering the proceeds of crime. These provisions indicate the presence of corruption and crime as a result of corruption offenses [2].

In context of globalization, corruption is a danger not only to the economy and the social system, where committed acts of corruption, and has a negative impact on the global economy. Therefore, developed countries recently realized that fighting corruption should be based on a global approach.

At the end of 2015 in the world there is no country in which there is no corruption. The best situation in New Zealand, which has 9.4 points (on a 10-point scale from "0" to "10", where "0" is not high levels of corruption, and "10" is the lowest), the worst is in Somalia, 1.1 points. In 2015 Ukraine ranked 138 out of 180 countries, with an index score of 2.6 points, far behind countries such as Zimbabwe, Nicaragua.

The most prominent anti-corruption laws with extraterritorial effect are the U.S. Foreign Corrupt Practices (Foreign Corrupt Practices Act) of 1977, known as the FCPA and the law of the UK Bribery Act 2010 (Bribery Acts).

Review of the provisions of these legal documents is relevant to study the experience of other countries in the fight against corruption, as well as for understanding the possibility of applying their rules in the physical and legal entities – residents of Ukraine.

The limited approach than the national legislator seems that a general part of the Criminal Code of Ukraine determines the list of offenses which are grounds for bringing legal entity to justice. In particular they include such offenses as legalization (laundering) of proceeds from crime, offer or promise to bribe an official legal entity of private law, regardless of the organizational is legal form of abuse of influence.

An effective fight against corruption rests on four pillars: 1) the maximum openness of information, 2) the inevitability of punishment for corruption, 3) transparency of spending, and 4) the willingness of citizens to oppose. In fact, to strengthen the pillars of every state has done a lot. The authorities finally launched the official information from registries and databases. In my opinion, the legislator left unattended a large number of crimes. First of all, a crime against humanity, extortion and blackmail, fraud, fictitious companies, false bankruptcy, opposition to economic activity, forgery, securities, illegal seizure of land for development and others. It would be a system of measures to supplement criminal law penalties such species as the termination of a legal entity or a branch within the specified period, deprivation of the right to engage in certain activities for a certain period and the judicial supervision of the

legal entity for a specified period. This economic leverage is most effective as a punishment for legal persons.

Summing up the experience of foreign countries, I have found that the most common type of sanctions is just fine.

The main driving force traditionally are citizens themselves. Regular journalistic investigations, ongoing and pervasive public pressure independent control over the actions of officials – that all is not cunning secret of eternal engine of reform in Ukraine.

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COMBATTING MONEY LAUNDERING: A HOT ISSUE FOR UKRAINE AND EUROPE

Before starting to study this issue we need to define the concept of money laundering. According to INTERPOL's definition money laundering is any act or attempted act to conceal or disguise the identity of illegally obtained proceeds so that they appear to have originated from legitimate sources. Illegally obtained funds are laundered and moved around the globe using and abusing shell companies, intermediaries and money transmitters. In this way, the illegal funds remain hidden and are integrated into legal business and into the legal economy [1].

Although the scale of money laundering is difficult to assess, it is considered to be significant. The United Nations Office on Drugs and Crime (UNODC) estimates that from 2 to 5% of global GDP are laundered each year. It equals to 715 billion – 1.87 trillion EUR annually [2].

The statistics of the General Prosecutor`s Office of Ukraine show that in 2015 58 money laundering criminal offences were registered whereas in 2016 there were about 101 offences of this type. Thus, the quantity of offences has almost doubled. It testifies to the fact that money laundering has become a crucial problem for our

country. To solve this problem, we need to study the experience of leading countries and raise the level of cooperation with Europol [3].

Lately, the Europol has made great progress in the fight against money laundering. For example, Spanish National Police, together with French law enforcement authorities and the support of Europol, have delivered a major blow to an international criminal group responsible for large-scale online payment fraud via virtual point-of-sale (POS) terminals and money laundering. This operation resulted in the arrest of five individuals and four house searches in Spain, as well as the disruption of the criminal network operating in Europe.

Europol's European Cybercrime Centre (EC3) and the Joint Cybercrime Action Taskforce (J-CAT) supported Spanish and French authorities and their partners in their efforts to identify the members of the criminal network.

Besides, Europol's information and analysis systems were used to exchange and cross-check intelligence received from EU Member States and non-EU countries that have operational agreements with Europol. The exchange of information and intelligence through Europol's channels proved to be crucial for the success of this operation [4].

Moreover, in order to make sure that money laundering is treated as a crime, the European Commission proposed that a new EU directive on the subject be created. It would provide authorities in the EU nations with an adequate law to prosecute money laundering activities, whether conducted by terrorists or other criminals. Provisions of the directive would:

– establish minimum rules on the definition of money laundering offences and their punishment, so that differences between countries' laws cannot be exploited by criminals;

– remove barriers to cooperation by the police and judiciary across national borders through the creation of common provisions on investigation of money laundering [5].

It is clear that legislation by itself is by no means sufficient to effectively combat money laundering. A comprehensive and integrated strategy is required. One of the main goals is to make crime less profitable by confiscating criminal proceeds. What is more, international assistance is essential for the fight against money-laundering operations undertaken at the transnational level. Bilateral agreements tailored to specific circumstances are the most effective means to accelerate investigative and judicial processes and overcome difficulties and delays [6].

So, in order to solve one of the crucial problems of our country we need to exchange information with Europol and other powerful organizations. Our government should develop a special programme of combatting money laundering which would include the tactics of cooperation with European countries.

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THE IMPORTANCE OF DETECTING DECEPTION IN INVESTIGATION INTERVIEWS

"There are three types of lies –
lies, damn lies, and statistics"
Benjamin Disraeli

The ability to spot a liar is a valuable skill for investigators. Failure to detect a lie during an investigation interview can put the entire investigation at a risk, and could lead to lawsuit, cause an innocent person to lose a job or go to jail, or even put a company into bankruptcy.

When some people are under interrogation, their body language may match the typical signs of deception, even though they

aren't lying. On the other hand, some people are aware of the "typical" signs of lying, so they do the opposite to make you believe that they are telling the truth. This makes it hard to use physical queues as a sign of deception.

On the first stage of our investigation we are to define the term "lie" since in order to fight crime police officers should fully understand this definition. Investigators face people who are lying on a regular basis, therefore it is crucial for them to have necessary skills for deception detection.

Having studied the scientific literature we consider that the most full definition is the next: lie is a statement that the person believes to be false and that is made with the intention to deceive. The practice of communicating lies is called lying, and a person who tells a lie may be termed a liar. In fact, some people lie almost all the time. Psychologists call these people compulsive or psychopathic liars.

Lies may serve a variety of instrumental, interpersonal, or psychological functions for the individuals who use them. Generally, the term "lie" carries a negative sense, and depending on the context a person who tells a lie may be subject to social, legal, religious, or criminal sanctions. In certain situations, however, lying is permitted, expected, or even encouraged. Believing and acting on false information can have serious consequences [3].

Lying is considered by many experts to be a natural human tendency. In the same way that children learn to walk, talk, and cry, we also learn to lie at a very early age. We tell psychological lies for a number of reasons: to protect ourselves, to avoid tension and conflict in social interactions, and to minimize hurt feelings and ill will.

The primary reasons people of all ages lie are:

1. **Fear** – an expert Tad Williams thinks: *"We tell lies when we are afraid: afraid of what we don't know and afraid of what will be found out about us. But every time we tell a lie, the thing that we fear grows stronger''*. In the police practice people usually have done something wrong and are afraid of the consequences of their actions, so they lie to cover up what they did.

2. **Manipulation** – lies are typically motivated by a desire to get other people to either do something or not do something, or to make a decision in the favor of the person doing the lying.

3. **Pride** – people use pride for nothing more than a tool to create a favorable image of themselves. This leads to **exaggeration**,

which is a form of lying. Often people will create fascinating, yet completely false, stories to improve their image [1].

David Livingstone, University of New England (US), defines 20 reasons why do people lie.We distinguish the main reasons:

1. To get out of trouble.
2. To avoid hurting someone's feelings.
3. To get something we want.
4. To not be denied or punished.
5. To save time or money.
6. To protect privacy.
7. To make a good impression to the other.

However, sometimes the situation is different, such as when people really would like to know the truth; these situations can arise during activities such as watching the evening news or interviewing a candidate for employment. For example, a viewer may want to know whether a politician's denial of involvement in a bribery scandal is really the truth; an interviewer may want to know whether the candidate is indeed as capable as he or she claims; a customs officer may want to know whether the traveler really has nothing to declare; an airport security officer wants to know whether the passenger really has no harmful intent when entering the aircraft; and a police detective wants to know whether a suspect's alibi is reliable. Successfully detecting lies in situations such as these would benefit individuals and the society as a whole.

During the interview in the police station people often lie because of the fear to be accused and called to account. Sometimes people even refuse to cooperate with the police as they do not trust representatives of the law.

Investigators spend time attempting to sort fact from fiction. Despite the belief that it is easy to spot a liar, it actually is difficult to distinguish between truthfulness and deception. Some techniques work part of the time and only with some people. No single technique is effective all of the time under all conditions. There is no approach or question that enables an interviewer to separate lying from truthfulness in every situation. Some methods may decrease the accuracy [2].

Analyzing the nature of a lie we can identify reliable methods for detecting lie. Here are some examples:

The Polygraph Test:

This machine was first developed by the police in the 1930s to try to detect if suspected criminals were lying. The process involved attach-

ing tubes, cuffs, and metal plates to the person's body to measure changes in respiration and blood pressure. Some experts have suggested that polygraphs today have an accuracy of at least 96 percent.

Speech patterns:

If you are wondering if someone is lying, look for verbal changes like:

1. More pauses.
2. Slower speech.
3. Stuttering.
4. Elevated pitch.

Also pay attention to what the person is saying, since people who are lying tend to give:

1. Fewer facts and details.
2. Less information about times and places.

Lies also are often told differently from normal speech:

1. In a more structured way.
2. From beginning to end, chronologically.

Therefore, the way to make lying more difficult is to increase interviewees' cognitive load by, for example, asking them to tell their stories in reverse order. Truth tellers can rely on their memories to tell their story backwards, often adding more details, but liars tend to struggle.

A study of 99 police officers who viewed fragments of 54 videotaped interviews with murderers, rapists, and arsonists indicated that officers who relied on verbal cues (e.g., vague responses or contradictions) distinguished between truth and deception better than those who depended on more visual signs (e.g., gaze aversion or postural shifts). The police officers who specifically mentioned that liars looked away and fidgeted obtained the lowest scores, while those who paid attention to verbal responses were more accurate in their judgments [6].

Facial expressions:

Over the last few years, deception research has been plagued by disappointing results. Most previous work had focused on reading a liar's intentions via their body language or from their face. The idea, says Timothy Levine at the University of Alabama in Birmingham, was that the act of lying provokes some strong emotions – nerves or guilt– that are difficult to contain. Even if we think we have a poker face, we might still give away tiny flickers of movement

known as «micro-expressions» that might give the game away, they claimed.

A few facial signs to watch for that may suggest that someone is lying:

1. Expressions that don't match the words that are being said (saying "I love you" with an angry scowl).

2. Expressions that don't match the timing of the words (saying "Wonderful!" and not smiling until a few seconds later).

Here are some other facial signs that a person might be lying:

1. Hiding emotions (showing no emotion).

2. Masking real emotions with false ones.

3. Showing emotion when none is felt.

Experts also recommend focusing on the eyes and forehead, which are harder areas of the face to control than the mouth and cheeks. It's in these areas where honest emotion can be more easily detected.

Body movements:

When a person attempts to lie, he or she often feels stress about what to say and how to say it. The person also typically tries to hide his/her emotions on his/her face. As a result, the person does not have much awareness or control of the messages his or her body is sending.

This stress a person feels when having to lie can be seen through:

1. Nervous movements.

2. Foot tapping.

3. Deep breathing.

4. Strong eye contact.

5. Overly controlled movements.

However, policemen do not often use such methods as analyzing speech patterns, facial expressions and body movements during the interview. Study after study has found that attempts – even by trained police officers – to read lies from body language and facial expressions are more often little better than chance. According to one study, just 50 out of 20,000 people managed to make a correct judgement with more than 80% accuracy [4].

There are some myths concerning this:

1. One of the most common misconceptions is the belief in universal signs of deception – consistent, reliable indicators that a

person is lying. There are some signs that appear more frequently among liars than truth tellers; however, there has been no universal sign of lying identified. This is because not all liars demonstrate the same behaviors. One liar may decrease eye contact, while a second person may increase eye contact in response to the same question.

2. Another myth is the belief that only guilty people appear nervous. This idea assumes that a person who has nothing to hide has no reason to be nervous or to demonstrate fidgeting and anxiety often associated with deceit. Questioning by law enforcement can be stressful for anyone, especially someone with little understanding of the criminal justice system. That anxiety can be heightened by accusatory questions or an aggressive interviewing style. Not surprisingly, innocent individuals often demonstrate many of the stereotypical behaviors associated with deception, including speech errors, fidgeting, and gaze aversion [5].

All things considered, we chose this topic to emphasize the importance of lie detection. The ability to effectively detect deception is crucial to public safety, particularly in the wake of threats. However, as the best researchers can tell, detecting deception is very difficult. Every study conducted since 1986, when the famed researcher Paul Ekman first wrote about this, has demonstrated that humans are no better than chance at detecting deception.

Often investigators express confidence in their ability to spot a lie. The belief that it is relatively easy to catch a liar has been fueled by literature that often lists so-called secrets of nonverbal communication. Despite the popular appeal of body language, no study has uncovered any single behavior that accurately reflects whether a person is lying. It seems that for every study that finds an increase in a particular behavior – eye contact, illustrators, or gestures – another reports a decrease in the same activity. This is due at least in part to the fact that people's responses vary based on the kind of lie, time to prepare, interviewer's strategy, and liar's level of confidence.

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INTRODUCTION OF CRIMINAL MISDEMEANOR INSTITUTE TO THE CRIMINAL LIABILITY LAW AS A CURRENT PROBLEM

Since the term «a criminal misdemeanor» was introduced to the Criminal Procedure Code of Ukraine (hereinafter – the CPC of Ukraine) in 2012, more questions than answers regarding this category of offenses have remained unanswered. The main problem is that the term «a criminal misdemeanor» exists only as a norm of procedural law that cannot be applied in substantive law regulations due to the absence of this institute. In the meantime, the scientific society has generated different and opposite opinions concerning this issue.

There is, therefore, a pressing necessity to assess the possibility of introducing the term «a criminal misdemeanor» to the Law on criminal liability. It is important to compare the views of scientists and outline the directions for further research.

The issues concerning «a criminal misdemeanor institute» introduction into domestic legislation have been scrutinized by: A. Baida, Y. Hrodetskyi, V. Tuliakov, A. Kaplina, N. Mitritsan, G. Pimonov, V. Tatsyi, M. Khavroniuk and others. However, most of the proposals were not taken into account by the legislature.

In accordance with Chapter X (Final regulations) of the CPC of Ukraine, the regulations relating to the criminal proceedings that

involve misdemeanors will be enacted simultaneously as soon as the law of Ukraine on misdemeanors comes into force [2]. This implies that the legislative act aimed to regulate the misdemeanors separately from the Criminal Code of Ukraine should be adopted. In fact, this regulation, as set forth in CPC of Ukraine, is not executed in practice and does not find support among scientists.

In particular, the draft law «On Amendments to Certain Legislative Acts of Ukraine introducing misdemeanors» was registered by Verkhovna Rada of Ukraine. It was submitted by such deputies of Ukraine as A. Kozhemiakin and others. The explanatory note to this bill states that it is inappropriate to unify misdemeanors in a separate Code or criminal misdemeanors law because the general terms of this bill would reword the terms of the General Part of the Criminal Code of Ukraine [3]. In authors' opinion, such legal regulation will neither follow the principle of criminal law unification nor make possible the minimization of standards, specifications and guidelines.

However, in our view, if the draft law № 2897 is adopted, we will have the consequences when the Criminal Code standards and amendments to the CPC of Ukraine come in collision as the legislator pointed out the necessity for the existence of criminal misdemeanor institute.

According to the concept of the legislator the conviction for committing a criminal misdemeanor will not have such a negative legal consequences as a criminal record. But the criminal record itself is the sign of criminal liability that makes it different from other types of liabilities. In addition, the law draft is aimed to decriminalize some offenses gradually, but together with the introduction of administrative offenses in terms of misdemeanors to the Criminal Code, they will be considered to be criminal offenses. Thus, on the contrary, they will be criminalized. In the meantime, the draft law is aimed to distinguish «a criminal misdemeanor» from related categories of offenses (crime or administrative offense). So, the question that has to be answered is whether it is reasonable to define misdemeanors «criminal» or not?

The Criminal Law Department of National University «Odessa Law Academy» believes that the problem of a criminal misdemeanor should be solved in the context of the Criminal Code of Ukraine. In particular, the term «a criminal offence» and its types (crime and a criminal misdemeanor) should be defined in the General part of the

Criminal Code of Ukraine. It is necessary to specify the basis for criminal liability and make legislative changes in the types of crime. The special part of the Criminal Code also needs to be reviewed. The changes related to the criminal misdemeanor introduction to the criminal law of Ukraine have to be made [1].

Contrary to these ideas, the legal specialists who work at Yaroslav Mudryi National Law University insist on introducing the misdemeanor institute as a new type of legal liability that is different from the administrative and criminal ones. These ideas are reflected in «The concept of misdemeanor implementation via the adoption of the Law (Code) of Ukraine on misdemeanors» [4].

Khavroniuk M. and Khavroniuk A. also stand for "not including them in the existing Criminal Code as this cannot be considered as the best possible way because it would require substantial and unjustifiable revision of the Criminal Code and create confusion in the structure of its norms and institutions ... it would result in unjustified criminalization of a large amount of actions that have negative impact on the crime rate in society. As a result, it would increase statistical indicators artificially that undoubtedly leads to bad judgment about the political situation in the country [p. 429–431; 5].

In view of the above said it can be concluded that there are such current problems of criminal misdemeanor introduction into the criminal liability law as: 1) unnecessary amendments of the Criminal Code of Ukraine; 2) the introduction of a new type of legal liability, which is allied between administrative and criminal ones; 3) inconsistency between the draft Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine introducing misdemeanors» (reg. number 2897 of d/d 06.03.2015) and the legal requirements of the CPC of Ukraine that provides a basis for the law adoption on criminal misdemeanors. The directions for future research include developing legal arguments to support the implementation of criminal misdemeanor institute to the criminal liability law with regard to the needs and powers of pretrial investigation bodies of National Police.

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CRIME RATE IN UKRAINE: REASONS AND CONSEQUENCES

Building a democratic society in Ukraine is connected with further improvement of the legal framework and maintenance of a proper law and order. To solve the problem of the reform of the legal system the issue of combating crime is of significant importance. The focus should be made not only on the current crime, but also on its past position, which to some degree is a prerequisite for predicting its future situation.

The criminal situation in Ukraine which has developed over the last decade, requires taking adequate measures to counter crime. A stable criminal situation in the society, high crime rates, a significant rejuvenation are a serious threat to reforms aimed at building a democratic, legal and social state. To create a proper counterweight to these phenomena requires government policy that will ensure not only the timely response of law enforcement agencies at every fact of the crime, but also take effective preventive measures. Obviously, early detection and elimination of causes and conditions that facilitate the commission of a crime, are not only of legal significance, but also

entails positive psychological impact, showing the desire and ability of persons engaged in criminal prosecution thoroughly, completely and objectively establish all the circumstances the offense, including its causes and conditions. The stress should be made on the social importance of preventive activities, since identified and eliminated causes and conditions facilitating the commission of crime, cannot contribute to analogous or other criminal acts.

Now more than ever it's necessary to develop and implement modern concepts of combating crime with adequate mechanisms within which individual crime prevention will take its rightful place. In this regard, we believe that one of the first steps towards achieving this goal should be the formulation of applied, practically directed notion of causes and conditions that facilitate the commission of crime and their evidence-based classification that can be used the activity of entities envisaged by law. The outlined statements are the goals of our study.

Crime, the intentional commission of an act usually deemed socially harmful or dangerous and specifically defined, prohibited, and punishable under criminal law. Crimes are committed by law-breakers. Factors contributing to the general criminalization of Ukrainian society include economic decline and war. Crime is an inseparable part of a functioning of any society. In one way or another every member of society feels the impact of criminal activity and there are almost no utopians who believe in the possibility of eradicating this social ill. The phenomenon of crime in the form of corruption, murder, robbery etc. occurs: from the wild African kingdoms to the leaders of the world economy. And, unfortunately but naturally, Ukraine is not an exception.

Poverty is the only economic indicator that has strong influence on crime. The economic situation in the country has been deteriorating since 2012, and this is always accompanied by an increase in crime. Once the living standards start declining, crime rates start rising. Lower income increase the probability of committing crime and justifies his opinion by the fact that lower income decrease the relative cost of crime and cost of being caught. Moreover, he finds that income level of victim is also a strong crime incentive. This means that **inequality in wealth** distribution is an important factor that has positive effect on crime activity. It is not surprising, therefore, that many of them willingly or unwillingly chose the path of

crime and started to earn money by committing offenses. Many people have been thrown idle and know any other ways of earning their bread beside crime. In addition, **unemployment rate** has a significant effect on crime rate.

The same situation is in the relationship between crime and education. A significant number of studies shows that criminals tend to have lower education level and come from more disadvantaged groups of population than noncriminals.

In March 2014, Russian forces illegally invaded the Crimean peninsula and continue to occupy Crimea in support of the Russian Federation's claim of annexation, which Ukraine doesn't recognize.

In early April 2014, pro-Russian separatists occupied government buildings in the eastern Oblasts of Donetsk, Luhansk and Kharkiv. While the pro-Russian separatists were expelled from Kharkiv Oblast, the situation in Donetsk and Luhansk Oblasts deteriorated into a war between the Ukrainian military and Russian-backed separatists. Multiple ceasefires and diplomatic negotiations, most prominently the Minsk Agreement, have not brought peace to the region, and armed conflict still occurs on a daily basis. **War** contributing to the spread of organized crime and an increase in **illegal arms trafficking**. Nowadays in Kyiv you can easy buy Makarov PM for 300–400$. The list of crimes that became wide-spread after the war broke out **includes extortion, kidnapping, torture, racket and even murder, in addition to smuggling of goods**.

According to the statistics crime increased in the nineties. For ten years the number of reported crimes increased by half and the number of prisoners – more than twice. The crime rate began to rise in 1993, reached its peak in the 95th and went on to decline.

In the period of 20000 crimes, judging by the statistics, began to do less. Their number decreased by almost 100,000 a year. All was calm in 2008. However, the number of recorded crimes has decreased and the number of prisoners – a difference of almost 100,000 people.

Since the beginning of the new decade, the crime rate increased again. It was slightly lower than in 2000, but tended to increase. But the number of prisoners each year decreased. In 2015, the number of crimes reached 565 000. And the number of convictions for the year fell to a record since independence – 94 000.

Some data on registered offences and prisoners in the last periods of time:

2010 – 505,371 offences Prisoners – 168,774
2011 – 520,218 offenses Prisoners – 154,356
2012 – 447,147 offenses Prisoners – 162,881
2013 – 563,560 offenses Prisoners – 122,973

2013 – Almost a third (29.8%) of all reported crimes qualified as grave or especially grave. The number of victims of crimes committed in 2013 was 426,7 thousand people (39.9%) – female and 33,000 – the elderly. The number of **robberies** – 211,5 thousand people (almost 50% of the total number of victims). The number of victims – 7 thousand 172 people (34.6% of them died of **homicides)**; the number of 185 **criminal groups and criminal organizations** – 185 (800 persons involved in **corruption and bribery**; the bulk – **drug trafficking.**

2014 – 529,139 offenses (grave and especially grave); the **number of prisoners** – 102,170 people (including data from the Crimea and the temporarily occupied territories of Donbass); **committed murders and assassinations** – 4920; facts of **causing grievous bodily harm** – 3,270; **rape or attempted rape** – 421.

The number of **victims** – 393.5 thousand people (147,8 thousand of them – women and nearly 30 thousand – the elderly and the disabled); Most affected by **looting and theft –** 56.2%, over 40% of them – women. The number of **died** (killed) – 12.2 thousand people(more than 40% – are victims of **homicides**.

2015 – 565 thousand 182 offenses (35,5 % – grave; and especially grave – **assassinations and assassination attempts** – 3226; facts of **causing serious bodily injury** – 2, 642; **rape or attempted rape** – 323. The number of **victims** of – 413 thousand people; most of them – women (156.2 thousand); the elderly, the disabled (27.3 thousand.); most **affected by looting and theft** (63.4%) and is also mainly women (39.3% of total number).

The number of **killed** – 8700 thousand people (almost 40% of them – victims of **murders.** The number of **criminals** – 115.8 thousand (almost 14 thousand – women; 5.7 thousand – minors; 14,3% – jobless).

Ukraine faces an orgy of lawlessness and criminalization of society in the country. Solutions to this are trivial and obvious: increased efficiency of law enforcement agencies through reform, staff turnover, and wage hike; stabilization of the economic situation, which allows an increasingly large part of the population to earn daily

bread with normal, legitimate work. To protect itself from crimes and criminals, the public has developed the government agencies whose purpose is to control and prevent crime, identify, apprehend and bring to trial those who violate law, and device effective methods of criminal correction.

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THE FEDERAL JUDICIARY IN THE USA

The objective of the paper is to consider the federal judiciary in the USA. As America evolved into a nation, the court emerged as an integral part of life in most communities. America has a dual court system that has evolved throughout the country after signing of the Declaration of Independence – at the state level and at the federal level.

The Constitution of the United States says that the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Unlike the state court systems, the federal judiciary in the USA has a unified structure with jurisdiction throughout the United States and its territories. But the federal court system is also complex. It has a four-tier structure similar to that in most of the states. Although it handles fewer cases than the states, its scope is considerably greater. It has the responsibility for the enforcement of the following:

1) all federal codes (criminal, civil, and administrative) in all fifty states, US territories, and the District of Columbia;

2) local codes and ordinances in the territories of Guam, the Virgin Islands, the Canal Zone, and the Northern Mariana Islands.

In addition, the US Supreme Court has ultimate appellate jurisdiction over the federal appeals courts, the state courts of appeal, the District of Columbia Court of Appeals, and the Supreme Court of Puerto Rico.

The US Supreme Court, also known as the Court, High Court, and High Tribunal, is the highest court in the nation. It stands at the apex of the federal judiciary and is truly the court of last resort. The High Court is composed of nine justices: one chief justice and eight associate justices, who serve for life. They are nominated by the president of the United States and must be confirmed by the Senate.

The Court was provided for by the Constitution, but only in the briefest of terms. Article III placed the judicial power of the United States in a supreme court and inferior federal courts. In contrast to Articles I and II of the Constitution, which spell out with considerable detail the powers and prerogatives of the Congress and the executive branch, what was stated for the nation's highest court was no more than a terse outline. Moreover, the Court had a slow start.

On September 24, 1789, President George Washington signed the judiciary Act, which actually created the Supreme Court, into law, and sent to the Senate for confirmation the names of the first chief justice and five associate justices. However, one of these declined, another accepted but never attended, and three others either resigned or died before the close of the Court's first decade. John Jay of New York, the first chief justice, spent much of his tenure abroad and resigned in 1795. Two other men followed him as chief justice within ten years – John Rutledge of South Carolina, as an unconfirmed recess appointment in 1795, and John Marshall of Virginia in 1801.

The status of the first terms of the Court during the 1790s was also ambiguous and comparatively minor. Only three of the six justices were present for the Court's opening session on February 1, 1790, but there was no business other than the appointment of a clerk. In fact, during the Court's first three years, no judicial decisions were made, and in 1792 Chief Justice John Jay reportedly described the post of a Supreme Court justice as "intolerable."

Although the early terms of the Court saw few significant decisions, the justices themselves were kept busy. When the Judiciary Act

of 1789 created the Supreme Court and the thirteen district courts, it also established three judicial circuits, each composed of the geographical areas covered by several of the district courts. Twice annually, within each of the circuits, circuit court sessions were held to handle some of the more serious federal cases. But the Judiciary Act had not provided for a set of judges for the federal circuit courts. Thus, the chief justice and his five associate justices were required to travel throughout the country to hold circuit court where and when necessary, a situation that lasted for almost a full century.

In the words of the Constitution of the USA, the jurisdiction of the Supreme Court is broad but not unbounded. The Constitution outlines eight jurisdictional areas for the Supreme Court, but its main function was as guardian of the Constitution.

As defined by the Constitution and spelled out in the Judiciarty Act of 1789, the Supreme Court has two kinds of jurisdiction over cases – general and appellate. The Court's general jurisdiction usually involves suits between two states, issues that test the constitutionality of the laws, and matters relating to ambassadors. In such instances, the Supreme Court can serve as a trial court. In its appellate jurisdiction, the High Court resolves conflicts that raise "substantial federal questions" – typically related to the constitutionality of some lower court rule, decision, or procedure.

As the final tribunal beyond which no judicial appeal is possible, the Supreme court has the discretion to decide which cases it will review. However, the Court must grant its jurisdiction in all instances in which a federal court has held an act of Congress to be unconstitutional; a US court of appeal has found a state statute to be unconstitutional; a state's highest court of appeals has ruled a federal law to be invalid; an individual's challenge to a state statute on federal constitutional grounds is upheld by a state supreme court.

So, the federal judiciary reflects a structure similar to that of the states. The USA Supreme Court stands at the apex of the federal judiciary and is the highest court in the nation. The Constitution provides the High Court with both original and appellate jurisdiction.

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MASTERING ENGLISH AS ONE OF THE MAIN DEMANDS TO LAW ENFORCEMENT OFFICERS OF UKRAINE

Ukraine, being a democratic, sovereign, independent and constitutional state, aims at becoming a European country in the European Union.

Lack of knowledge of English at present is an urgent problem, especially when it comes to law enforcement officers, to whom foreign people address coming across some problems. In Soviet times learning English was not so important as in the period of «Cold War» and «Iron Curtain» none of the Soviet citizens had the need to speak English.

The task of democratic Ukraine is its entering into the European and Euro-Atlantic structures. It requires the comprehensive solution of the police reform, improvement of their activities in terms of staffing and proficiency training of employees. It goes without saying, that police of any country are interested in the professional interstate partnership to effectively join forces against the common problem – organized crimes, illegal human trafficking, drug trafficking and other violations of law. To meet all these requirements, both, the law enforcement activity and public security sector in Ukraine need reforming and proper training. One of the strategic directions is the formation of a new psychology of police. Further reform of police training and education demands a new generation of law enforcement officers, who, unlike in Soviet times, will serve human values and principles of humanism and democracy, understanding the notion of «freedom» as the most important achievement of the society [4: 22–26].

Developing international cooperation with law enforcement agencies in foreign countries, the leadership of the Ministry of Internal Affairs of Ukraine considers the main objective of training to be creating all necessary conditions and opportunities for reviewing and applying the foreign experience in education, razing the quality of law enforcement officers training to European standards. The police system of developed countries, especially those of UK, USA, France, has much experience in combating crimes. Much attention is being paid to the organization of qualified personnel training, developing

international cooperation not only in matters of law enforcement, but also education, training experience of police services and agencies exchange [1].

However, one more equally important area of police reform is to improve the educational process in universities that are preparing future police officers, in terms of their professional mastering English. It is necessary to improve the teaching process, gradually moving from the theory to the practical mastering and thus bringing the process of police training to European standards. It is sufficient to amend the curricula with a greater number of hours for practical training.

Improving staffing of police is a part of the process of reforming the system of legislation in Ukraine. The first step was made by the adoption of the Law of Ukraine «On National Police» in the 2015 [3].

The past years show that cooperation of the Ministry of Internal Affairs with the European institutions (for example the OSCE) is aimed at improving educational training programs for police officers, taking into account European standards.

With everything mentioned above, we understood that developing and reforming law enforcement, the state is strengthening the international cooperation with international police organizations, creating the police headed by worthy candidates in a new patrol police and conducting a re-certification among existing employees of «old militia». However, the question is why the government, having the experience of working with international organizations, does not provide adequate training of future police officers in professional mastering a foreign language?

International organization «Education First», which is the world leader in providing educational services for mastering foreign languages, conducted a study among 60 countries in terms of English proficiency of their citizens. Ukraine, for 2013, was included for the first time in the rankings, showing quite a good result with 27 point rating and factor of 53.09, which belongs to the category «Moderate Proficiency» – moderate knowledge.

Despite the fact that Ukrainians do not travel much comparing with European and Asian countries, the average level of English of our citizens is almost the same as that of inhabitants of Japan, with indicators index 53.09 vs. 53.21. Ukrainians speaks English better than Russians – 51.08, but significantly worse than Poles – 62.65, calculated according to the index of English [2].

It should be noted, the level of «moderate knowledge» of English is not enough for a law enforcement officer. Police officers in big cities of Ukraine, where foreign citizens travel pretty much or study in the universities cannot even explain how to get to certain areas or where some streets or buildings are situated. Nowadays it is a big problem, because the level of English of police officers is low due, firstly, to the fact that experienced police officers had no motivation to learn English, and, secondly, young police officers know it only at a conversational level. Is not enough to be able to speak English on general topics, police officers are supposed to know and be able to use legal terminology in professionally oriented situations.

In order to improve the level of English among the population of Ukraine the President of Ukraine Petro Poroshenko issued a decree declaring 2016 the Year of English [6: 17]. Following the instructions of the President of Ukraine, a pilot year English course for police officers was launched in the capital – Capital English for Police. Similar centers for teaching police officers English were opened in other big cities of Ukraine.

We hope that improved knowledge of English will give police a chance to better respond to foreigners' applications by «102». Politicians believe that this is one of the important steps in reforming the police of Ukraine [5].

In conclusion, I have to add that if our country gets through all the stages of the reform, we are sure to live in a new way, to depart from the old Soviet stereotypes and take European mentality. The citizens of Ukraine will open the borders for free movement to Europe, which will motivate learning English. And those, who have choose not an easy way of police officers will have a chance to more closely collaborate with foreign colleagues and share experience in practical activities that forward the level of English and fill it with legal terminology.

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THE CITIZENS' RESPECT FOR THE POLICE AS A GUARANTEE OF COOPERATION

Nowadays, the citizens' level of trust to the policemen is much higher than it was to the militia in 2010, but anyhow the society repeatedly demonstrates absolute disobedience and irreverence towards the law-defenders. It is necessary to mention a brutal assassination of two patrol policemen carried out by the participant of a warfare in the zone of anti-terroristic operation, which can serve as an example of obvious disrespect of population for the police as well as imperfection of law of Ukraine "Pro Nacionalnu Policiju". In our opinion, law-defending activity of the police requires profound changes and not only on the legislative level, but also the ones that will change the ways and methods of counteracting the disobedience in some cases.

Speaking about changes on the legislative level, we think it is worth showing an example of the activity of the policemen in any country of Europe or the USA, where such activity corresponds with the level of the society`s development, where it functions. In these countries, as well as in any other civilized country, there is such term as "Presumption of the policeman`s innocence", which has also been recently suggested in Ukraine by the minister of internal affairs Arsen Avakov and by the former head of the National Police Hatia De-

canoidze. This term means that the policeman in the course of his activity has complete superiority in possible ways of counteraction in comparison with the Ukrainian law-defenders. On the whole, when comparing rights and powers of the Police in Ukraine and those in the USA, taking into account the fact that the authority of the latter is not clearly defined in a certain normative act, it is important to say, that the American police-officer`s rights are much wider and include initiativeness. It is necessary to say that the police-officer in the USA is allowed to use firearms when the law-breaker endangers the officer`s or citizen`s life or health. It seems similar to the articles 43 and 46 of the law of Ukraine "Pro Nacionalnu Policiju", but it is important to say that when firearms is used, its legality will be definitely checked by the court. If the police officer isn`t found guilty, he will be even awarded, otherwise – he will be imprisoned or restricted.

When analyzing mental aspects of disobedience to the legal demands of the police, to our mind, it is necessary to say, that in the Ukrainian society, there is a belief that the policeman will never use firearms against the law-breaker. These beliefs are caused first of all by the fact that the legislation makes the use of firearms more complicated. All in all, when analyzing the Law, it seems to have been made not for the policemen, but for the inhabitants, who are supposed to be under the defence of the latter which is absolutely illogical, as far as citizens' defence cannot be carried out entirely when the defenders are made to act without appropriate authorities. In every civilized country, the policeman has the right to counteract the disobedience or offence to the authority of the internal affairs. The legislation which is supposed to regulate the activity of law-defending bodies, discredits the very process of this activity, which is not acceptable for such country as Ukraine, located not in Africa, South America or Asia, although, some of the countries of these regions have a far higher level of development. It is located in Europe! Let`s take, for instance, our nearest neighbour Poland, where the presumption of the policemen`s innocence is also provided. The very fact of total ignorance of this tactics by the Ukrainian law-defenders demonstrates total improvidence of the Ukrainian Parliament-members as to ignoring the foreign experience.

So why, after numerous combined trainings, consultations and conferences the law-makers didn`t apply the same tactics on the law-making stage, but only started thinking about it when the Law was

found imperfect (assassination of the policemen by the participant of the warfare in the east of Ukraine). It was because the method of comparing is obviously not used in Ukraine. Moreover, who needs it? In our opinion, any legislative acts in our country need to be introduced in the way that they could somehow prevent the previous cases of imperfection of their both foreign and Ukrainian equivalents, which is only possible in case of thorough and systematic comparison of introduced legislative acts. First of all, it concerns the acts which directly regulate the police activity, especially if the policemen are supposed to act only according to the law. Correspondingly, the same law must be literally all-embracing without any faults, as any imperfection may cost the life of the policemen or citizens.

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OCCUPATIONAL DUST AND ITS EFFECT ON HUMAN BODY

Occupational safety is a system of legal, social and economic, organizational and technical, sanitary hygienic and therapeutic preventive measures and ways aimed at maintaining health and ability to work of a human being in the process of work.

International statistics claims that nowadays traumatism can be equal to an epidemic. According to the World occupational safety organization data, mortality caused by accidents takes third place after cardiovascular diseases and oncological diseases, and moreover, the people who die re able to work and aged below 40. Every year 15 million industrial injuries are registered, every three minutes one person dies at work.

One of the most dangerous is occupational dust.

Dust consist of fine particles that are formed as crushing and milling in the process of solid treatment as well as sowing and transporting of granular materials.

Dust in working areas is found in the form of aerosol or aerogel. Particles larger than 10^{-3} cm in size are called aerosols, particles smaller than $10^{-5} – 10^{-3}$ cm in size are called fog.

Aerogel consist of particles that form sediment on building walls and edges.

Dust is characterized by the chemical composition, size and form of particles as well as their destiny, electric, magnetic and other peculiarities.

Depending on dust chemical composition, its following types are distinguished:

– Organic dust (wood, leather and wool);

– Non-organic dust (cement, quartz);

– Mixed dust (organic and non-organic).

The most dangerous for humans are particles 3-10 mm in size that get into lungs through breathing and stay there; accumulating, they cease diseases. Particles larger than 10 mm stay in the nose and the throat and those smaller than 3 mm are exhaled.

Depending on the effect on human body, the following types of dust are distinguished:

– *Toxic dust* dissolves in biological environment of the body and causes its poisoning. For example, lead and arsenic dust, when getting into human body through breathing, affect the nervous system, told supply organs and gastrointestinal tract, which leads to acute or chronic body poisoning.

– *Non-toxic dust* affects human body less dramatically: it irritates skin, mucous membranes, conjunctiva; dust getting into lungs causes occupational diseases such as the black lung disease (organic changes in lungs and reduction in their function, which causes anoxaemia). Dust that contains SiO_2 causes silicosis; cement, kiln dust causes cemenosis and slack – anthracosis.

Non-toxic dust can absorb toxic and radioactive substances and gain a certain electric charge, which makes it more harmful.

Dust protection methods are:

– Ventilation (local and general);

– Capsulation of dust sources with aspiration (local aspiration);

– Moisturizing of dust-like materials;

– Briquetting and granulation of flours;

– Individual protection – respirators, gas-masks, overalls, goggles.

It is of primary importance to distinguish the level of dust at the workplace in order to apply the appropriate way of dust protection.

There are different methods of defining the level of dust at workplace.

One of the most efficient is the weight method which is based on the principle of making up the weight of analytical filter by blowing a certain volume of the examined air through it. Dust mass in air volume units is defined in mg/m^3.

Another method of dust level defining is conimeteric or calculative method ("coni" (Gr.) – dust) is based on prior separating dust from air by precipitating it on wet glass in a unit of time and the following calculation of the number of particles using e microscope. Dust concentration is expressed by the number of particles falling at a unit of air volume.

Photoelectric method. The general number of dust particles in a certain air volume is defined according to the difference of light fluxes before and after dusted air blowing. The light flux changes when dusted air is blow.

Electronic method lies in the electrification of aerosol dust particles in a negative corona discharge field and further measurement chamber and is propotional to dust level in the air.

Occupational safety is the problem of primal importance nowadays when new technologies are used in different spheres of people's activity. One of the ways of increasing the efficiency of work is to supply the appropriate occupational safety.

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PROTECTION AND RIGHTS OF REFUGEES IN THE EUROPEAN UNION

For centuries, people have been discriminated and forced to flee their homes because of conflict, political, racial and religious persecutions, natural disasters and inhuman treatments that took place in their societies. In exile, they sought either refuge or the protection of other countries. The migration regulations that exist today are also introduced to enforce security throughout countries, as well as to fight terrorism or illegal traffic of people, drugs or weapons.

Many refugees flee to neighbouring countries to find protection. However, others, attracted by a higher standard of living, prefer western countries as destinations. The number one refugee hosting country in the western world is Germany, followed by the United States, the United Kingdom, France and Canada. Europe hosts refugees from Afghanistan, Iraq, Serbia or Turkey. The European Union is playing a major role in deciding the fate of refugees and asylum seekers from all over the world. Refugee protection has been of great concern to the international community ever since the creation of the United Nations. Europe is currently encountering the arrival of tens of thousands of refugees from Syria, Afghanistan, and North Africa, who are braving the seas in rickety boats, streaming around fences, and occupying train stations in their quest to resettle.

For many refugees and asylum seekers, Europe is an example of economical development, democracy and respect for human rights. But, from the European point a view, migrants become an economical and cultural burden. The asylum country has to provide refugees and asylum seekers with social assistance, housing and even employment. Moreover, it has to face cultural challenges like the integration or assimilation of migrants, sometimes reluctant to adapt to the new culture. In order to solve these problems, the European Union, has been struggling to develop a Common European Asylum System, intended to harmonize the asylum systems and procedures of its Member States and to facilitate the examination of asylum claims. To do so, it relies on the pre-existing international legal framework, governed by

the provisions of the 1951 Refugee Convention and the principle of non-refoulement.

The European refugee and asylum law should be built on the main purposes and principles of the European Union, which in the area of asylum reflect two tendencies: on one hand, the European Union has to protect the asylum seekers, according to its international commitments in relation to refugees, human rights and asylum, and on the other hand, is has to make sure that the flows of migrants do not affect the peace and security inside its borders. After crossing European borders, and gaining access to the asylum procedures and systems, an asylum seeker must be granted two types of protection: international protection and national humanitarian protection, according to the national legislation of each Member State. Moreover, an asylum seeker must also be protected against refoulement and against torture, inhuman or degrading treatment or punishment.

Facing the financial crisis, most European countries change their view on asylum. The financial crisis determines Member States to strengthen restrictions on immigration policies, due to their economic inability to sustain both migrants and an increased number of unemployed nationals. On the other hand, the financial crisis facilitates immigration by providing States with cheap skilled workforce.

Western Europe has tried to keep displaced people outside its borders by funding large-scale refugee camps in Third World countries. Despite the United Nations High Commission for Refugees' call for durable solutions for displaced people, the plan for most refugees is for them to wait in camps until they can return home, even when there is no foreseeable end to the wars or occupations that have displaced them. But while these camps offer politicians a convenient way to avoid making decisions about foreign wars and domestic immigration issues, the camps can only offer refugees a way of life that is permanently temporary. Given that camps are unlikely to be truly temporary, why do the developed nations–mostly the United States and Western European countries–continue to fund them rather than push for more permanent solutions? In theory, camps make humanitarian aid more efficient. By collecting displaced people in a central location, aid agencies can reduce the costs of assessing refugees' needs, shipping relief supplies, and distributing them. But displaced people are put in camps as much for political purposes as for humanitarian ones. Camps in the Third World keep displaced people offshore

and out of sight. The European Union tries to immobilize them in permanently temporary spaces and segregate them from surrounding societies but fails to keep migrants out of the developed world.

With no prospects for permanent relocation and the basic necessities for sustaining life in short supply, it is no surprise that displaced people are attempting the dangerous voyage to Europe. For many refugees, trying to get into Europe is not just about having a better life, it is about staying alive. Furthermore, the refugee camps are designed for the short term: to meet an emergency need and then disappear. Camps keep refugees alive, but they prevent them from living. Most camps lack schools, places of worship, and shops. Even when donors such as the United Nations or the Turkish government create camps with more permanent infrastructure, most lack the amenities a town of equivalent size would. Unemployment is rampant in refugee camps and leads to the growth of criminality in the area. Because many camps are deliberately placed far from urban areas in order to protect the local labor force, refugees find it difficult or impossible to find paying work.

The refugee crisis must no longer be thought of as a problem of border control. Hungary's fence is emblematic of this outdated view: it is premised on the notion that if refugees can be physically prevented from entering, the refugee problem will remain outside the boundaries of Europe. But as the U.S. attempt to control the Mexican border shows, would-be immigrants will enter legally if they can and illegally if they cannot.

The solution is not to fence them out or trap them in their home countries but to help them resettle in ways that benefit local economies and urban environments. Europe has an aging population, which is slowing economic growth and putting an enormous burden on social safety nets. An influx of young working people –computer repairmen, plumbers, architects and home health-care aides–could be an economic stimulus for Germany and Austria. Offering them flexible forms of aid, such as cash grants and housing vouchers, instead of isolating them in detention centers or other substitutes for the camp, will allow them to leverage the language skills, professional training, family ties, and financial resources they bring with them.

But those who choose to stay in camps – whether because they hope to eventually return home; remain close to relatives; or settle in a place with a language, religion, or culture more like their own – will

need ongoing support from the West in order to integrate where they are instead of being forced to migrate. Rather than continually underfund temporary camps, the United States and the European Union must commit to funding durable housing and functional communities in the countries where refugees seek asylum. In countries such as Turkey, Pakistan, and Lebanon, which house 30 percent of the world's refugees, an influx of aid to create real cities – places with sewage and electric systems, schools and libraries, public spaces and civic institutions – would stimulate local economies, create new jobs, and make it easier for host governments to see refugees as a boon instead of a burden. Refugees and asylum seekers would cease to be a burden for countries, but an important economic resource. Which option the countries will chose remains to be seen.

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INTERNATIONAL EXPERIENCE IN PERSONAL DATA PROTECTION

Nowadays protecting personal data is essential for society. Within last decade information tends to be digitized and overall it's believed that digital data is well protected.

A lot of people use Gmail in their everyday life activities. Hillary Clinton's personal mail hack has become the most impressive recent news. So that is a really good picture of overall insecure. Stealing your passwords and information from your Instagram, Facebook or VK is not so difficult. The entire Web is running on SQL based

data bases [2]. And if you know proper methods well interference with them won't be really complicated.

As this experience is becoming more common, some foreign institutions are set up in order to guarantee your personal data safety. One of such international initiatives is the Data Protection Act (DPA). The Data Protection Act 1998 is a United Kingdom Act of Parliament which defines the law on the processing of data on identifiable living people and is the main piece of legislation that governs the data protection. Although the Act itself does not mention privacy, it was enacted to bring British law into line with the 1995 EU Data Protection Directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data [4]. In practice it provides a way for individuals to control information about themselves. Most of the Act does not apply to domestic use, for example keeping a personal address book. Anyone holding personal data for other purposes is legally obliged to comply with this Act, subject to some exemptions. The Act defines eight data protection principles, which are applied in various contexts to ensure that information is processed lawfully.

The Act's definition of "personal data" covers any data that can be used to identify a living individual. Anonymised or aggregated data is not regulated by the Act, providing the anonymisation or aggregation has not been done in a reversible way. Individuals can be identified by various means including their name and address, telephone number or Email address. The Act applies only to data which is held, or intended to be held, on computers ('equipment operating automatically in response to instructions given for that purpose'), or held in a 'relevant filing system' [4].

The DPA controls how your personal information is used by organisations, businesses or the government.

Everyone responsible for using data has to follow strict rules called 'data protection principles'. They must make sure the information is:

– used fairly and lawfully;
– used for limited, specifically stated purposes;
– used in a way that is adequate, relevant and not excessive;
– accurate;
– kept for no longer than is absolutely necessary;
– handled according to people's data protection rights;
– kept safe and secure;

– not transferred outside the European Economic Area without adequate protection.

There is stronger legal protection for more sensitive information, such as ethnic background, political opinions, religious beliefs, health, sexual health, and criminal records [1].

The question is how to use these principles in your own life not to become the victim of computer frauds and protect your privacy. On the one hand, you should always think about who you are giving your personal data to and why. If it is not clear why your personal data is needed, always ask. Be cautious about providing any personal detail to strangers. Carefully consider how much personal data you choose to post or share online. Once the information becomes publicly available, it may be difficult for you to safeguard or manage how your personal data may be used.

On the other hand, read website privacy notices. Look out for the purpose of collecting your personal data as well as how it is used and disclosed to third parties. For example, if you are concerned that your personal data is being used to market other products and services to you, check the website for such clauses before providing your personal data. Be sure to check your browser settings and decide whether you want to be tracked, if at all. Many websites collect data such as usage profile through the use of ‘cookies’. Google collects your data for ads. They save everything you search or watch on YouTube. This information may be used to provide you convenience and a more personalized experience on the website [3].

To summarize, I want you to understand that everyone has day-to-day responsibility for his data protection. Appropriate technical and organisational measures should be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. Your web browsing security depends on you.

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POLIZEIAUSBILDUNG IN DEUTSCHLAND

Unter Polizeiausbildung versteht man in der Regel die Grund- und Weiterbildung von Polizisten. Die Ausbildung von Polizisten kann in den verschiedenen Staaten stark variieren, was auf das Verständnis der Polizei im jeweiligen Staat zurückzuführen ist. Dabei spielen mehrere Faktoren eine Rolle. Einen Einfluss haben unter anderem:

– die Staatsform
– die Ausstattung der Polizei mit Geldern und Arbeitsmitteln
– die Trennung zwischen Polizei und Militär
– die verfassungsgemäße Rolle der Polizei
– die Stellung der Polizeibehörde innerhalb eines (Bundes-) Staates
– das Anstellungsverhältnis der Polizisten beim jeweiligen Dienstgeber.

Die Polizeiausbildung in Deutschland ist die Berufsausbildung von Polizeivollzugsbeamten. Sie findet in der Regel in einer Polizeischule oder bei den Polizeiverbänden statt. Ausgebildet wird in verschiedenen Institutionen und mit unterschiedlichen Laufbahnzielen, so dass sich Dauer und Lehrplan, stark unterscheiden.

Es wird zwischen einer Ausbildung im Sinne der Berufsausbildung für den mittleren Polizeivollzugsdienst und dem Studium an einer Polizeifachhochschule für den gehobenen Polizeivollzugsdienst unterschieden. Dabei gibt es Bundesländer, die nur noch Polizeibeamten im gehobenen Dienst ausbilden und Bundesländer, welche sowohl für den mittleren als auch für den gehobenen Dienst ausbilden.

Die Ausbildung erfolgt entweder bei den Bereitschaftspolizeien oder aber an speziell eingerichteten Fachhochschulen, die in der Fachrichtung Polizei unterrichten (trifft für Berlin, Hamburg, Hessen, Nordrhein-Westfalen und Thüringen zu). Dabei erfolgt in allen Ländern keine duale Ausbildung im klassischen Sinne, sondern die Polizei ist Ausbildungsort und Praktikumsbetrieb in einem.

Die Bundespolizei untersteht dem Bundesinnenministerium. Ansonsten ist Polizei in Deutschland jedoch Ländersache. Das bedeutet: jedes der 16 Bundesländer unterhält eine eigene Polizeibehörde,

die ihre Polizei-Anwärter selbst ausbildet und für die unterschiedlichen Laufbahnen spezifische Richtlinien festlegt.

Die Ausbildung zum Polizeimeister z.B. bei der bayerischen Polizei ist eine normale Berufsausbildung und dauert 29 Monate. Die gesamte Ausbildung findet an einem Standort der bayerischen Bereitschaftspolizei statt.

Die Ausbildung wird als Polizeimeisteranwärter begonnen. Nach Bestehen der ersten beiden Ausbildungsabschnitte (1. Jahr) und der Erfüllung sonstiger beamtenrechtlicher Voraussetzungen folgt die Ernennung zum Polizeioberwachtmeister (A5). Diese Dienstbezeichnung existiert ausschließlich in Bayern. Während des Vorbereitungsdienstes soll der Anwärter die Befähigung zur Qualifikationsprüfung der 1. QE erlangen und das Eingangsdienstgrad Polizeimeister (A7) erhalten.

Während der Ausbildung wird sowohl das theoretische als auch das praktische Wissen zur Berufsausübung vermittelt, allerdings mit dem deutlichen Schwerpunkt Theorie. Daneben werden innerhalb der Ausbildung verschiedene Sportnachweise verlangt und Tests im Fach Selbstverteidigung durchgeführt.

Um für die vielfältigen Aufgabenbereiche und die täglichen Herausforderungen vorbereitet zu sein, steht zum Anfang einer jeden beruflichen Laufbahn eine interessante und abwechslungsreiche Ausbildung. Nach erfolgreicher Ausbildung und Übernahme in die praktischen Dienstbereiche sammeln die jungen Polizistinnen und Polizisten berufspraktische Erfahrungen in den Einsatzeinheiten und auf den Polizeiabschnitten der Polizei. In späteren Jahren sind dann je nach Eignung, Befähigung und freien Positionen die Verwendungen in Spezialdienststellen, wie zum Beispiel dem Zentralen Verkehrsdienst, der Wasserschutzpolizei, dem Funk- und Fernmeldewesen, in der Präventionsarbeit, bei der Diensthundeführung oder den operativen Diensten möglich. Bei entsprechend guten Leistungen bietet die Polizei auch gute Aufstiegsmöglichkeiten in die jeweils nächsthöhere Laufbahn.

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CYBERKRIMINALITÄT IN DER UKRAINE

Das Internet bietet uns heutzutage viele Möglichkeiten. Zugleich sind damit aber auch zunehmende Bedrohungen und Risiken verbunden. Die wachsende Zahl der Internet-User hat auch zu einer Steigerung und zu einer erhöhten Komplexität der Kriminalität im Internet geführt.

Unter Computerkriminalität versteht man im weitesten Sinne die Begehung von Straftaten unter Verwendung der EDV.

Heute sind die Fragen der Zeugung, der Untersuchung und der Vorbeugung den Cyberverbrechen sehr aktuellen. Die Cyberkriminalität ist der neusten Erscheinungen in der Hinsicht, die charakteristisch für die moderne Entwicklungsetappe der Gesellschaft ist. Jedoch verbreitet sie sich sehr ungestüm und braucht von der Rechtswissenschaft die Aktivierung der wissenschaftlichen Erforschungen mit dem Versorgungszweck des aktiven Widerstands gegen jede der beliebigen verbrecherischen Äußerungen in den Cyberraum.

Bei den Cyberstraftaten handelt es sich in erster Linie um Fälle

– des Computerbetrugs,

– der Computersabotage und

– der Softwarepiraterie.

Der Computer als Tatmittel gewinnt auch in anderen Kriminalitätsbereichen immer mehr an Bedeutung. Dies reicht von den verschiedenen Formen der Wirtschaftskriminalität wie z. B.

– Kapitalanlagebetrug,

– Konkursdelikte,

– Korruption

bis hin

– zur organisierten Kriminalität (Rauschgifthandel, illegaler Waffenhandel, Geldwäsche etc.),

– zum sexuellen Missbrauch von Kindern,

– zur Verbreitung pornographischer, gewaltverherrlichender und extremistischer Schriften.

Bei all diesen Straftaten können Beweismittel (Indizien) in digitaler Form anfallen. Die Sicherung und die Auswertung dieser

EDV-Beweismittel ist Aufgabe speziell ausgebildeter EDV-Sachverständiger und Sachbearbeiter bei der Polizei. Die Netzwerkfahndung bei der Cyberpolizei fahndet anlassunabhängig im Internet und in anderen Datenfernübertragungsnetzen nach Herstellern und Verbreitern harter, insbesondere kinderpornografischer Darstellungen. Um diesem kriminellen Kreis auf die Spur zu kommen, ist die Polizei auch sehr stark auf die Hinweise von Internet-Nutzern angewiesen und nimmt Mitteilungen (auch anonymer Art) entgegen, die zur Klärung der zugrundeliegenden Straftaten führen können. Die Polizei setzt alles daran, den Produzenten und Verbreitern dieser Machwerke das Handwerk zu legen.

Die rasche Entwicklung der Informierung in der Ukraine hat zur Benutzung der Computertechnologien in nützlichen Zweck geführt. Das droht nicht nur der nationalen Sicherheit an, sondern auch persönlichen Rechten und Freiheiten der Bürger. Im Jahre 2016 Jahre hat Cyberkriminalität dem ukrainischen Staat den Schaden von 27 Mio. Hrywnja zufügt: es wurden 1565 Cyberverbrechen begangen, die von 8000 Rechtsverletzungen geleiten sind. Die Cyberkriminalität ist ein Komplex von Verbrechen, die in der virtuellen Welt mit der Hilfe von Computersysteme oder durch die Verwendung von Computernetzwerken und anderer Mittel für den Zugang zu dem virtuellen Raum, und auch gegen die Computersysteme, Computernetzwerken begangen werden.

Die Verbreitung von Spam und Virenprogrammen, Cyberterrorismus, Androhung körperlicher Gewalt, Cyberstalking, Kinderpornografie, Cyberdiebstahl, Cybervandalismus, Cyberspionage, Cyberbetrug ist nicht volles Verzeichnis von Internetverbrechen.

Der Abschnitt XVI des Strafgesetzbuches der Ukraine lautet "Verbrechen in Bereich der Benutzung der Elektronenrechenmaschinen (Computers), Systemen, Computernetzwerken und Stromnetzen". Aber die ukrainische Gesetzgebung ist unvollkommen im Bereich der Kampf mit der Cyberkriminalität. Die Besonderheit dieser Art von Kriminalität besteht darin, dass die Vorbereitung und Begehung dieses Verbrechens praktisch nur neben dem Computer zu verwirklichen ist.

Die Werkzeuge der Begehung dieser Art von Verbrechen sind Internet, Wi-Fi, Computer und andere. Die Cyberkriminalität gefährdet der Ehre, Würde und Reputation der Staatsbürger. Die Ukraine arbeitet mit verschiedenen Staaten der Welt im Kampf gegen die Cyberkriminalität zusammen. Mit dem Ziel der Aufbesserung von Effektivität der Vorbeugung von Cyberkriminalität und ihrer

Bekämpfung funktionieren bei der Nationalpolizei der Ukraine Spezialeinheiten der Gegenwirkung von Cyberkriminalität.

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AUSBILDUNG ZUM MITTLEREN DIENST BEI DER POLIZEI IN DEUTSCHLAND

Unser Staat braucht gut ausgebildete Fachleute, um demokratische Reformen durchzuführen und die Menschenrechte zu schützen. Die Ausbildung der Polizisten ist ein wichtiger Schritt in dieser Richtung. Ausländische Erfahrung auf diesem Gebiet ist sehr nützlich. Solche Ausbildung in Westeuropa ist dreistufig. Die Ausbildungsstufen bei deutscher Polizei sind: Ausbildung zum mittleren Dienst, Ausbildung zum gehobenen Dienst und Ausbildung zum höheren Polizeidienst.

Die Ausbildung ist Sache der Länder und von Bundesland zu Bundesland unterschiedlich geregelt. Der Bund betreibt eine eigene Ausbildung für Polizisten der Bundespolizei und des Bundeskriminalamtes [1].

Im diesen Artikel schenken wir die Aufmerksamkeit der Ausbildung zum mittleren Dienst bei der Polizei. Die Ausbildung gliedert sich in fünf Ausbildungsabschnitte. Die ersten vier Ausbildungsabschnitte dauern 6 Monate, der Ausbildungsabschnitt V–5 Monate. Die Gesamtdauer ist 2 Jahre 5 Monate. In den Ausbildungsabschnitten I und II werden elementare Grundlagen studiert: Verkehrsrecht, Allgemeines Polizeirecht, Strafrecht, Grundzüge des Beamtenrechts, Englisch, Berufsethik. Zur fachpraktischen Ausbildung gehören Einsatztraining, Sport und Selbstverteidigung, Waffen- und Schießausbildung, Kommunikations- und Konfliktbewältigungstraining (auch Vernehmungstraining), EDV (elektronische Datenverarbeitung), Fahrtraining und Erste Hilfe. Die Ausbildungsabschnitte III und IV sind stärker praxisbezogen. Die

Studierenden nehmen am Streifendienst teil. Besonders große Aufmerksamkeit wird der Stress- und der Konfliktbewältigung geschenkt. Der Ausbildungsabschnitt V dient zur Vorbereitung der künftigen Polizisten auf die erste Fachprüfung. Im Laufe dieser 5 Monate werden alle Wissen und Können aufgefrischt und vertieft.

Die Konzeption der mehrstufigen Ausbildung wird laut dem Gesetz der Ukraine "Über nationale Polizei" realisiert [2]. Erste Stufe der Ausbildung in der Ukraine dauert leider nur einige Monate. Die Reformierung der Rechtspflegeorgane ist ein dauerhafter Prozess. Deswegen ist die Berücksichtigung europäischer Erfahrung sehr wichtig.

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POMPIERS DE L'URGENCE INTERNATIONALE

L'association Pompiers de l'urgence internationale est **agréée au niveau national pour participer aux missions de sécurité civile** selon le type des missions et le champ géographique d'action.

Pompiers de l'urgence internationale (PUI) est une association humanitaire française qui oeuvre pour porter secours et assistance aux pays victimes de catastrophes naturelles ou humanitaires. Professionnels ou volontaires, ces pompiers ont décidé de mettre bénévolement leur expérience et leur savoir faire au service des populations en difficulté. Association française de solidarité internationale (ONG) a pour vocation:

– de porter bénévolement secours aux populations les plus vulnérables dans des situations de crises en suscitant l'engagement volontaire et bénévole de professionnels du secours d'urgence, sapeurs-pompiers, personnels médicaux, ou toute personnes dont les compétences sont utiles pour aider les populations;

– **de renforcer** les dispositifs de sécurité civile des pays émergents par: une formation pluridisciplinaire des sapeurs-pompiers et

acteurs de la sécurité civile; un équipement en matériels et véhicules adapté en valorisant l'expérience française; une analyse objective des dispositifs opérationnels et fonctionnels et des propositions d'actions afin de fournir aux autorités gouvernementales une vision claire et un bilan réel de la situation,

– **de développer** une culture du risque et de la prévention des catastrophes dans la population et le milieu scolaire, par une mise en situation individuelle au moyen de méthodes innovantes (simulateur de séisme, multimédia)

– **de développer** une culture du secours par un accès aux formations spécialisées

Un plan de formation annuel est mis en place au sein de POMPIERS DE L'URGENCE INTERNATIONALE depuis plusieurs années. Les techniques utilisées lors de catastrophes naturelles, en particulier lors de séismes, nécessitent de maintenir les acquis dans le domaine du percement mais aussi des sauvetages, des techniques d'étaiement, de la logistique ou du commandement. Ainsi, chaque mois, un thème est abordé permettant aux membres de l'équipe de secours, de suivre sous forme d'ateliers mais aussi de manœuvres structurées, une formation de maintien des acquis. Ce travail de formation est indispensable pour les maintenir à niveau dans le cadre de la classification de l'équipe de PUI au sein d'INSARAG (International Search and Rescue Advisory Group), acquis en 2010. Des méthodes spécifiques, telles que les coupes "clean", "dirty" avec du matériel thermique ou électrique, sont mises en œuvres.

L'association française "Pompiers de l'Urgence Internationale" est constituée de professionnels du secours, doté d'une expérience approuvée et éprouvée des situations de crise. Tous les membres de cette structure interviennent bénévolement et sont mobilisables dans un délai bref, pour agir efficacement.

Leurs compétences sont:

– **interventions d'urgence** lors de tremblements de terre avec des personnels spécialisés dans les domaines du sauvetage-déblaiement, détection et localisation des victimes ensevelies par les équipes cynotechniques (championne d'Europe de la spécialité) et appareils électroniques, ainsi que dégagement;

– **prise en charge médical** et paramédicale des victimes de catastrophes naturelles;

– **aide humanitaire et logistique**;

– **distribution d'eau potable**;

– **formation de formateurs** et d'intervenants dans les domaines de compétence des acteurs de la sécurité civile: secours à personnes, incendie, jeunes sapeurs-pompiers, sauvetage et déblaiement, cynotechnie, risques technologiques et NRBC, prévention incendie, prévision opérationnelle, feux de forêts, conduite de véhicules tout-terrain…;

– **capacité de coordination opérationnelle** et d'expertise professionnelle (aide à la décision);

– **élaboration de projets** spécifiques compatible avec les procédures des institutions internationales afin d'améliorer la capacité opérationnelle des services de secours;

– **assistance technique** pour aider les responsables nationaux à gérer l'affluence de moyens internationaux.

Nul n'empêchera jamais un séisme ou un tsunami mais il est possible de réduire la gravité de leurs conséquences.

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LA POLICE NATIONALE DE L'UKRAINE

La police nationale de l'Ukraine – l'organe central du pouvoir exécutif, qui sert la société en assurant la protection des droits et libertés de la personne, la lute contre la criminalité, le maintien de l'ordre public et la sécurité publique. Les activités de la police Nationale est dirigée et coordonnée par le conseil des Ministres de l'Ukraine par le Ministre de l'intérieur en vertu de la loi.

La police est conçu pour la protection de la vie, la santé, les droits et les libertés des citoyens de l'Ukraine, des étrangers, des apatrides; pour la lute contre la criminalité, de la protection de l'ordre public, la propriété et la sécurité du public. Dans les limites de sa compétence guide des activités de police exercent le Président de l'Ukraine, directement ou par l'intermédiaire du Ministre de l'intérieur, les dirigeants des collectivités territoriales du Ministère de l'intérieur et les chefs de la police.

En 2016, le niveau de la confiance de la population de l'Ukraine à la police, selon différentes sources, était de 40% à 55%.

La tâche de la police Nationale

Les tâches de la police Nationale est la mise en œuvre des politiques publiques dans les domaines de:

– la sécurité publique et l'ordre public;

– la sécurité et la protection des droits de l'homme et des libertés, ainsi que les intérêts de la société et de l'état;

– la lutte contre la criminalité;

– fournir, dans les limites définies par la loi, les services de l'aide de personnes qui, personnelles, économiques, sociaux raisons ou d'autres situations d'urgence ont besoin d'une telle assistance (service de police).

Le cadre juridique des activités de la police

Dans ses activités de la police Nationale conformément à la Constitution de l'Ukraine, les traités internationaux de l'Ukraine, de la Loi de l'Ukraine «Sur la police Nationale et d'autres lois de l'Ukraine, les actes du Président de l'Ukraine et le Cabinet des Ministres de l'Ukraine, et publiés en conformité avec les actes du Ministère des affaires intérieures de l'Ukraine, les autres actes normatifs.

La police nationale comme l'organe central du pouvoir exécutif créé par la résolution de l'Ukraine du 2 septembre 2015, n ° 641.

Les dispositions relatives à la police Nationale approuvé par le ministère de l'Ukraine, le 28 octobre 2015

Le policier

La police est un citoyen de l'Ukraine, qui a pris le Serment à la police, le service sur les postes dans la police et a assigné un titre spécial de la police. Le policier a sa carte d'identité et un marqueur individual numéro personnel. Les échantillons et la procédure de délivrance des identités de service et personnels de plaques de jetons affirme le Ministre de l'intérieur de l'Ukraine.

Selon la conclusion de docteur ès lettres, professeur Alexander Ponomarev, le terme correct dans la langue ukrainienne un policier, pas un flic qui est russe durée.

Les principales innovations

– la création de la police Nationale, comme l'organe central du pouvoir, qui coordonne civile Ministre de l'intérieur, de l'élimination des préfectures de l'intérieur dans les régions et districts;

– professionnel de Chef de la police Nationale, est nommé le Cabinet à un contrat sur 5 ans;

– la création de la Police de la commission Nationale de police, qui 3/5 des membres des droits de l'homme et d'autres civils;

– la nomination à des postes dans la police par le biais de concours, organisé par la Police de la commission, à l'aide d'un polygraphe;

– la désignation de chefs de la police contractuellede 5 ans;

– être lié par le rapprochement des conseils locaux de la destination des chefs de police de la sécurité publique et la police de la circulation, le droit de retirer les 2/3 des voix;

– le droit des sessions des conseils locaux de la majorité de retirer n'importe quel employé de la police de sécurité publique (patrouille)) et la police de la circulation;

– réponse aux plaintes relatives à la violation des travailleurs de la police.

Le système de la police Nationale constituent l'organe central de gestion de la police Nationale et les collectivités territoriales de la police Nationale. Dans la composition de l'appareil de l'autorité centrale de la police Nationale comprend organisationnelles reliées les unités d'affaires pour les activités de chef de la police Nationale, ainsi quel'exécution des tâches assignées à la police Nationale de tâches.

1. Le parlement: la Loi de l'Ukraine «Sur la police Nationale» de 02.07.2015 n ° 580-VIII

2. Site officiel du Ministère de l'intérieur de l'Ukraine

3. Site officiel de la police Nationale de l'Ukraine

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DEFINITIONS ET LES SCENARIOS CATASTROPHES DES ACTES DE CYBERTERRORISME

"Le cyberterrorisme est la convergence du terrorisme et du cyberespace", expliquait Dorothy Denning devant le Congrès des Etats-Unis en mai 2000 [1]. Le terrorisme informatique est le fait de détruire ou de corrompre des systèmes informatiques, dans le but de déstabiliser un pays ou de faire pression sur un gouvernement. Le terrorisme informatique est le fait de mener une action destinée à déstabiliser un pays ou de faire pression sur un gouvernement, en

utilisant des méthodes classées dans la catégorie des crimes informatiques. Il faut noter que dans ces actes, on considère comme cyberterroriste, une personne mal intentionnée c'est à dire une personne qui tente vraiment de déstabiliser et non, un simple "petit joueur". Celle-ci s'insinue dans des serveurs du web civils ou militaires. Ces attaques peuvent causer de sérieux dommages. Mais les Etats-Unis les comparent à l'action d'"un enfant se promenant dans la cafétéria du pentagone". Mais George Smith, le rédacteur du The Crypt Newsletter, une publication d'Internet sur la sécurité informatique et destiné aux analystes informatiques annonçait: "Il est loin d'être prouvé que le pays est à la merci d'attaques informatisées potentiellement dévastatrices. D'autres part, même le petit nombre d'exemples de comportements pervers atteste que les problèmes de sécurité informatique dans notre monde de plus en plus technologique constituera l'une des préoccupations majeures dans un proche avenir" [2]. Internet est le descendant de Aparnet, le premier réseau informatique militaire américain. Celui-ci a été créé dans le but que, s'il arrivait qu'un des principaux nœuds du réseau soit détruit, il fonctionne encore.

Si jusqu'à maintenant les attaques des cyberterroristes n'ont eu pour cible que des organismes gouvernementaux, Il se pourrait bien qu'ils entreprennent des actions à visée plus dévastatrices. Bien que nous ne soyons pas des apprentis cyberterroristes, nous avons essayé d'envisager quels seraient les plus probables et plus destructeurs scénarios que les cyberterroristes pourraient tenter ayant pour cibles des civils. Parmi les scénarios que nous avons échafaudés voici les quatre les plus vraisemblables et terrifiants.

Le premier et non pas le moindre aurait pour but de prendre le contrôle de centrales électriques afin de redistribuer de façon disproportionnée l'électricité aux foyers d'une grande ville.

Le deuxième à conséquence moins immédiate serait de prendre le contrôle de d'usines de retraitement et de centrales nucléaires afin de les saboter et de provoquer la fuite de certains produits capables d'empoisonner violemment les habitants avoisinants entraînant de très nombreux décès.

Le troisième n'est certes pas meurtrier mais aussi ravageur. Il serait alors question de paralyser totalement le réseau Internet par prise de contrôle de nombreux serveurs ou de relais satellites. Les cyber terroristes pourraient alors librement prendre le contrôle d'ordinateurs préalablement connectés aux serveurs piratés.

Enfin, si ce scénario est plus terroriste que cyber, il n'en a pas moins comme but de saboter de façon irréversible tous les systèmes informatiques d'un pays et une partie de celui de ses voisins, grâce à une bombe thermonucléaire. En effet, l'explosion d'une telle bombe entraînerait la propagation d'une onde de choc électromagnétique qui détruirait tous les composants électroniques des ordinateurs. Ce n'est pas pour rien que le réseau militaire américain et ses principaux ordinateurs sont enterrés six pieds sous terre. Le cyberterrorisme est donc globalement un danger pour la société d'aujourd'hui qui, comme chacun sait, dépend de plus en plus des nouvelles technologies. Même si l'évolution permanente du réseau Internet constitue un frein à son développement, il est toujours possible et même probable que de nouvelles attaques arriveront par ce biais [3].

1. Cyber Attacks During the War on Terrorism [Електронний ресурс]. – Режим доступу: http://www.ists.dartmouth.edu/ISTS/

2. Le mot Taliban est un pluriel [Електронний ресурс]. – Режим доступу: http://www.ists.dartmouth.edu/ISTS/

3. Patrick Chambet Le Monde du Renseignement № 425, 2002. [Електронний ресурс]. – Режим доступу: http://www.chambet.com Le cyber-terrorisme

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LOIS SUR LES NORMES D'EMPLOI AU CANADA

Les normes d'emploi correspondent aux normes minimales qui, dans la loi, définissent et garantissent les droits des travailleurs en milieu de travail. Chaque province et territoire a ses propres lois sur le sujet. La plupart des travailleurs du Canada (environ 90 %) sont protégés par les lois en matière d'emploi de leur province ou territoire. Les autres sont quant à eux visés par les lois fédérales.

Quels droits en matière d'emploi sont protégés par les normes d'emploi?

Les lois sur les normes d'emploi définissent notamment les droits relatifs aux heures de travail et à la rémunération des heures

supplémentaires, au salaire minimum, à la rémunération, aux vacances et aux payes de vacances, aux congés fériés, aux pauses et aux périodes de repas, aux congés de maternité et parentaux, aux congés pour urgences personnelles, aux congés familiaux pour raison médicale, aux avis de fin d'emploi et aux indemnités de départ.

Voici quelques points importants:

– Les règles concernant les heures de travail régulières et supplémentaires, qui s'appliquent à la plupart des travailleurs, varient considérablement d'une province à l'autre. La plupart des provinces et des territoires ont toutefois établi que les heures supplémentaires devaient être rémunérées à un taux équivalant à une fois et demie le taux salarial régulier de l'employé. Les employeurs ne peuvent ni refuser de payer les heures supplémentaires, ni obliger un travailleur à effectuer un nombre d'heures de travail excessif, ni licencier ou faire expulser les travailleurs qui refusent ou qui portent plainte.

– Le salaire minimum, qui correspond au taux salarial le moins élevé qu'un employeur peut offrir à un travailleur, varie lui aussi beaucoup en fonction des lois provinciales ou territoriales.

– Les employés doivent être payés à intervalles réguliers et doivent recevoir un relevé sur lequel figurent leur salaire et les déductions effectuées pour la période visée.

– La plupart des travailleurs ont droit à des vacances annuelles payées. Par exemple, en Colombie-Britannique, en Ontario, au Manitoba, en Alberta et au Québec, les employés ont droit à deux semaines de vacances après avoir travaillé un an pour le même employeur. Il existe des différences importantes entre les provinces et territoires en ce qui a trait aux droits et à l'admissibilité.

– Les congés fériés permettent à la plupart des travailleurs de profiter d'un congé payé ou d'être payés au taux des heures supplémentaires s'ils travaillent. Chaque province et territoire garantit un nombre donné de congés fériés.

– La plupart des provinces et des territoires canadiens garantissent aux travailleurs une pause repas d'au moins une demi-heure après chaque période de cinq heures de travail consécutives. Les employeurs ne sont généralement pas tenus de payer les travailleurs pour la période du repas.

Est-ce que tous les travailleurs ont les mêmes droits en matière d'emploi?

Non. Certaines catégories de travailleurs, comme les pêcheurs qui s'adonnent à la pêche commerciale, les travailleurs du secteur

pétrolier, les ouvriers forestiers, les fournisseurs de soins à domicile, les professionnels, les gestionnaires et certaines catégories de représentants peuvent être visés par des normes d'emploi différentes ou être exemptés de l'application d'une ou plusieurs dispositions des lois sur les normes d'emploi. Par exemple, les travailleurs agricoles sont parfois payés en fonction d'un tarif à la pièce au lieu d'un salaire minimum et, dans la plupart des provinces, ils ne sont pas rémunérés pour les heures supplémentaires ou les congés fériés.

Santé et sécurité au travail

Tous les travailleurs du Canada ont le droit de travailler dans un environnement sain et sécuritaire. Les lois en matière de santé et de sécurité au travail visant à protéger les travailleurs contre les risques qui, dans leur milieu de travail, peuvent toucher leur santé et leur sécurité. Chaque province et territoire a ses propres lois, tout comme le gouvernement fédéral.

Le droit de refuser un travail dangereux

L'un des droits fondamentaux du travailleur consiste à pouvoir refuser un travail qui, selon lui, présente un danger pour lui-même ou un autre travailleur. Le refus doit être signalé à l'employeur ou au superviseur, qui fera alors enquête.

Blessures au travail

Toutes les provinces et tous les territoires versent des indemnités aux accidentés du travail. Si un travailleur a un accident au travail, le superviseur doit en être avisé immédiatement. Il lui faut alors communiquer avec un professionnel de la santé (p. ex., un médecin), et une réclamation doit être déposée à la commission des accidentés du travail sans délai.

Droits de la personne

Discrimination

Les employeurs ne peuvent refuser d'engager un travailleur en raison de sa race, de sa religion, de son origine ethnique, de la couleur de sa peau, de son sexe, de son âge, de son état matrimonial, de son handicap ou de son orientation sexuelle. Malheureusement, les employeurs ou d'autres travailleurs peuvent malgré tout exercer une forme ou une autre de discrimination ou formuler des propos racistes ou offensants. Il s'agit dans ce cas de harcèlement, ce qui est interdit par la loi.

Si vous croyez être victime de discrimination ou de harcèlement, discutez avec votre employeur pour tenter de résoudre le problème. Si c'est possible ou si ça ne donne aucun résultat, parlez à votre rep-

résentant syndical ou à un représentant de la commission provinciale ou territoriale des droits de la personne ou de la Commission canadienne des droits de la personne.

Si vous avez besoin d'aide

Si vous considérez que vous êtes traité injustement et que votre employeur ne respecte pas la loi, vous pouvez téléphoner ou écrire au bureau provincial, territorial ou fédéral des normes du travail. L'employeur ne peut vous imposer de mesures disciplinaires ni vous pénaliser pour avoir déposé une plainte devant ces organismes. Les représentants de l'organisme peuvent cependant vous demander si vous avez tenté, dans un premier temps, de résoudre le problème en discutant avec votre employeur.

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1. Normes du travail fédérales [Електронний ресурс]. – Режим доступу: http://www.travail.gc.ca/fra/normes_equite/index.shtml

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L'ORGANISATION JURIDICTIONNELLE FRANÇAISE

L'organisation juridictionnelle nationale française est l'organisation des tribunaux nationaux français, dans l'ordre juridique interne. 8140 magistrats sont chargés d'appliquer la loi; en tout, 76865 agents travaillent pour le ministère de la Justice. Cela fait 11,9 juges professionnels pour 100000 habitants, contre près de 15 en Belgique, 20 en Autriche, et presque 25 en Allemagne.

On exclut donc de cette organisation l'ensemble des juridictions qui ne sont pas nationales, qui résultent d'un contrat ou d'un statut défini entre des membres. On ne s'intéresse donc qu'aux tribunaux sanctionnés par l'administration d'État, définis par la loi. Les juridictions internationales, européennes ou communautaires, qui résident dans un ordre juridique externe, seront elles aussi exclues, car elles n'émanent pas de l'administration d'État, mais d'autres organisations internationales (Union européenne, Conseil de l'Europe, Nations unies…).

Principes généraux

L'organisation juridictionnelle nationale française a souhaité mettre en œuvre certains principes inhérents à une idée du procès, respectueuse des libertés fondamentales, prenant ainsi en compte la possibilité de faire appel, la collégialité des juges qui rendront une décision, la rapidité du jugement.Certains de ces principes ont été complétés, précisés et sanctionnés par la Convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales, signée en 1950 et en vigueur depuis 1953, qui défend des droits civils et politiques inhérents à la personne humaine.

Dans certains types de litiges, la loi ou la réglementation dispose que le tribunal du premier degré rend une décision en premier et dernier ressort. Ce jugement ne peut donc être susceptible d'appel.

Par exemple, en matière civile:

– les actions dont le taux de compétence (les prétentions du demandeur) est inférieur à 4000 € sont jugées par le tribunal d'instance en premier et dernier ressort;

– les actions jugées par le juge de proximité, dont le taux de compétence est inférieur à 4000 € 4, ne sont pas non plus susceptibles d'appel.

De même, devant les tribunaux administratifs:

– de nombreux recours en excès de pouvoir sont jugés en premier et dernier ressort, tels un bon nombre des litiges concernant la fonction publique;

– les recours indemnitaires d'un montant de moins de 10000 € le sont également.

Les juridictions judiciaires

Les juridictions de l'ordre judiciaire sont notamment compétentes pour le pénal et pour régler les litiges entre particuliers. Elles peuvent intervenir soit dans le domaine contentieux (litige entre personnes), soit dans le domaine gracieux (autorisation demandée à une juridiction: changement de régime matrimonial par exemple).À titre d'exception, elles peuvent également intervenir à propos de certains litiges qui interviendraient entre l'État et les particuliers. C'est le cas par exemple lorsqu'en matière d'expropriation, l'exproprié n'est pas d'accord sur le montant de son indemnisation; également en cas d'accident de la circulation, lorsqu'un des véhicules appartient à l'administration et que la victime est une per-

sonne privée, le contentieux ressort également du juge civil. Il existe deux degrés de juridiction: on établit d'abord la véracité de l'incrimination supposée, puis, le cas échéant, on applique la peine prévue.

Les juridictions administratives

Les juridictions administratives sont celles qui sont compétentes pour juger des litiges entre l'État, les collectivités territoriales, les établissements publics (qui constituent les principales hypothèses de personnes morales de droit public), et les particuliers, ou entre deux personnes morales de droit public. Toutefois, dans certaines hypothèses, c'est l'ordre judiciaire qui sera compétent, pour ce qui est relatif à l'état des personnes, aux dommages pour des atteintes au droit de propriété (par exemple aux dommages résultant d'accidents de véhicules).Alors que les magistrats judiciaires sont formés par l'École nationale de la magistrature (ENM) à Bordeaux, les membres du Conseil d'État, des juridictions financières, des tribunaux administratifs et des cours administratives d'appel sont recrutés notamment par la voie de l'École nationale d'administration (ENA) ou de concours spécifiques.

Les juridictions en dehors des ordres

Les juridictions "en dehors des ordres" sont des juridictions qui se placent en réalité au-dessus de ceux-ci.C'est le cas du Tribunal des conflits, qui détermine si c'est l'ordre judiciaire ou l'ordre administratif qui peut être compétent, lorsqu'il existe un conflit de compétence.C'est aussi le cas du Conseil constitutionnel, dont les décisions s'imposent aux pouvoirs publics, et à toutes les autorités administratives ou judiciaires.

Les juridictions politiques

Les juridictions politiques (Haute Cour de justice et Cour de Justice de la République) peuvent être comprises comme étant des juridictions pénales. Toutefois, elles dérogent au droit commun par les personnalités qui sont jugées, c'est-à-dire le président de la République et les ministres des gouvernements, par la composition de la juridiction, qui est composée de parlementaires, et aussi par des questions de procédure qui diffèrent.

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1. Police nationale-Une force d'action et de protection au service de tous [2. p. 256–260].

2. Places offertes concours PTS [p. 161–163].

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LE CONTENU THEMATIQUE DES JOURNALS "LE MONDE" ET "LE FIGARO"

La liberté d'expression était toujours une sûreté principal du journalisme. La France c'est une pays, qui s'associe le plus avec la liberté d'exprimer son opinion. Depuis la Révolution française et jusqu'aujourd'hui, la presse française n'a pas peur de parler sur les problèmes actuelles, elle a des grands succès de ces journalists et une histoire longue. C'est pourquoi la presse française est une thème actuelle et intéressant.

Nous avons choisi les journals "Le Monde" et "Le Figaro" pour étudier le contenu thématique des journals français. Ces journals sont uns des plus vieux et des plus populaires journals en France. "Le Monde" a été fondé en 1944 et "Le Figaro" a été fondé en 1826. Ces journals a été choisi parce qu'ils appartiennes aux directions politiques différents. "Le Monde" est un journal centre gauche et "Le Figaro" est de droite gaulliste et conservatrice. Ces journals sont répandu dans toute la France.

Ce thème était étudié par des chercheurs différents comme Yves Agnès, Claire Blandin, Armand Colin, Bertrand de Saint-Vincent, Éric Fottorino, Marian Jitaruc et les autres.

Généralement, les thèmes dans les journals sont presque les mêmes. "Le Monde" et "Le Figaro" écrivent sur la politique, le société, l'économie, l'international, la culture et le sport. Dans "Le Monde" il y a aussi la rubrique "Planète" et dans "Le Figaro" on peux trouver les nouvelles de la science. "Le Figaro", comme "le journal du monde bourgeois", publie les nouvelles du beau-monde, les conseils pour le repos, des entrefiles sur les ouvertures des restaurants etc.

L'interprétation des problèmes politiques sont différent dans les deux journals. Dans "Le Figaro" on voit le sympathie claire des forces droits. Les nouvelles dans le journals sont véridiques, mais il y a beaucoup d'articles sur les partis droits et articles, qui critiquent les décisions des politiques gauches. Il y a beaucoup d'analyse dans "Le Figaro". "Le Monde" suit la ligne plus calme dans les dispositions politique, on voit plus d'articles neutres sur la politique.

Les matériels sur la société dans les journals racontent nous sur le chômage, la sécurité dans le pays, les problèmes avec l'habitation et les réfugiés. La rubrique consacré à l'économie on lit des articles sur les investissements, les nouvelles sur l'immobilier et les entreprises mondiales et françaises. Des articles sur la vie mondaile publient en premier lieu l'information de l'Europe, puis l'Afrique, l'Amérique et de Proche-Orient et alors du reste du monde. La culture est une rubrique, où on trouve des nouvelles sur des concerts, des expositions, des comédie musicales, le musique, des albums musicals et les autres nouvelles de la vie culturelles. La rubrique "Sport" et plus important dans "Le Figaro", que dans "Le Monde": dans le premier journals elle se trouve en première partie de la publication et en deuxième journal elle est mis à la fin.

La division du "Figaro" en trois "cahiers" est intéressant: le numéro est divisé par les trois journals séparés. Le premier c'est "Le Figaro", où il y a des nouvelles de France et du monde, la politique, la science, le sport. Le deuxième cahier c'est «Le Figaro Économie» et le troisième c'est «Le Figaro et Vous» avec les articles sur la culture, la TV, le style, les voitures, Ce division est très confortable, parce que le lecteur peut se concentrer sur les thèmes, qui sont intéressant pour lui.

"Le Monde" et aussi "Le Figaro" publie les articles avec beaucoup de divisions sur les parties avec les sous-titres. C'est aussi pour le confort du lectuer.

Alors, dans "Le Monde" et "Le Figaro" il y a des matériels sur les thèmes différents. La langue des articles est riche, le contenu est intéressant, la manière de l'interprétation est ressemblant aux deux journals. La direction politique laisse une empreinte sur l'interprétation des nouvelles politiques, surtout dans "Le Figaro".

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TRIBUNAL DE GRANDE INSTANCE (FRANCE)

En France, le **tribunal de grande instance** (TGI) est la juridiction de droit commun (par opposition aux juridictions d'exception) en

première instance: il connaît des litiges qui ne sont pas spécialement attribués à une autre juridiction. Par ailleurs, il dispose de compétences spéciales dont certaines sont exclusives.

Il existe 173 tribunaux de grande instance (un ou plusieurs par département), dont 164 en métropole, 2 en Corse et 7 pour les départements ultramarins, depuis la réforme de la carte judiciaire lancée en 2007 par la Garde des sceaux Rachida Dati [1].

Dans les collectivités d'outre-mer et en Nouvelle-Calédonie, il n'y a pas de tribunal de grande instance, mais des tribunaux de première instance (TPI) remplissant les fonctions du TGI et du tribunal d'instance. Ces juridictions sont actuellement au nombre de quatre (Mata-Utu, Nouméa, Saint-Pierre et Miquelon et Papeete).

En principe, devant le tribunal de grande instance statuant en matière civile, et contrairement aux juridictions d'exception, le ministère d'avocat est obligatoire, c'est-à-dire qu'il est impossible de saisir soi-même le tribunal et d'assurer soi-même sa défense. Ce principe connaît plusieurs exceptions: actions relatives à l'autorité parentale devant le juge aux affaires familiales, et référés.

Les chambres pénales du tribunal de grande instance prennent le nom de tribunal correctionnel.

Histoire

Le tribunal de grande instance descend du tribunal de district créé par la loi des 16 et 24 août 1790. De 1810 à 1958, ce tribunal était connu sous trois noms: tribunal civil, tribunal d'arrondissement (il y en avait un par arrondissement) et tribunal de première instance parce qu'il était la juridiction de droit commun en première instance. Pourtant, ce tribunal civil était aussi juge d'appel à l'égard des juges de paix et des conseils de prud'hommes.

Après la réforme de 1958, l'organisation des tribunaux de grande instance est modifiée en 1983 et en 1994.

Depuis 1958, les tribunaux de grande instance avaient gardé une compétence en appel: celle d'examiner en appel les décisions du juge des tutelles et les délibérations du conseil de famille. Cette compétence a été transférée à son tour aux cours d'appel en 2009.

Organisation

Tribunal de grande instance de Rouen au Parlement de Normandie.

En 2015, il existe 174 tribunaux de grande instance dont sept outre-mer, à la suite de la réforme de la carte judiciaire engagée par Rachida Dati.

Deux tribunaux de grande instance ont un ressort à cheval sur deux portions de département différent: celui de Colmar dont le ressort comprend une partie du Bas-Rhin et du Haut-Rhin, et celui de Saint-Malo qui s'étend en partie sur l'Ille-et-Vilaine et les Côtes d'Armor. Certains départements ont leur territoire découpé en plusieurs ressorts de tribunaux, tels par exemple, le Nord qui comporte ceux d'Avesnes-sur-Helpe, Cambrai, Douai, Dunkerque, Lille, Valenciennes ou la Meurthe-et-Moselle où, pour des raisons historiques, se situent les TGI de Nancy et Briey.

La chambre civile du tribunal de grande instance siège soit en formation collégiale (3 juges dont un président d'audience), soit à juge unique, en audience publique (le plus courant), ou en chambre du conseil (audience non publique). La chambre correctionnelle statue également en formation collégiale ou à juge unique, en audience publique ou lors d'une audience qui est dite alors «à huis clos», c'est-à-dire interdite au public.

Composition

Chaque tribunal de grande instance comprend des magistrats professionnels, divisés en deux entités:

– le siège, ou magistrats assis, qui sont les juges: président, vice-présidents et juges ordinaires,

– et le «parquet», ou magistrats debout, dont la fonction est de représenter l'intérêt général, en saisissant le tribunal ou en intervenant aux procès.

Chaque tribunal comprend au moins:

– un président;

– deux juges;

– un procureur de la République.

Suivant son importance, un tribunal de grande instance peut comprendre plusieurs «chambres», qui peuvent elles-mêmes être scindées en *sections*. Il existe au moins une chambre civile et une chambre correctionnelle, cette dernière appelée tribunal correctionnel.

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1. [Електронний ресурс]. – Режим доступу: https://fr. wikipedia.org/wiki/Tribunal_de_grande_instance_(France).

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PROTECTION CIVILE EN FRANCE

Une importante association en France La Protection Civile est agréée de sécurité Civile par arrêté du 30 août 2006. Elle regroupe 32.000 bénévoles, femmes et hommes, de tous les horizons, qui au travers de leur engagement, de leur formation et de leur expérience acquise sont de véritables professionnels des secours. Ces bénévoles, secouristes, médecins, infirmiers, équipiers secouristes, agents administratifs, techniciens, moniteurs, experts et cadres interviennent dans la formation du grand public aux premiers secours, dans les missions de secours en complément des services publics, et dans les missions d'aide humanitaire et sociale. Ils appartiennent tous à une même association – La Protection Civile – reconnue d'utilité publique et composée de trois échelons: L'échelon national; la Fédération Nationale de Protection Civile (FNPC).

L'échelon départemental: les Associations Départementales de Protection Civile (ADPC). L'échelon local: les antennes de Protection Civile. La Protection Civile est ainsi présente dans 90 départements de France métropolitaine (dans lesquels elle compte 480 antennes) ainsi que dans 6 départements et territoires d'outre mer.

A l'échelon national, la FNPC est administrée par un comité directeur de 24 membres. Sur le plan opérationnel, elle est gérée par un collège de Cadres Opérationnels Nationaux, Régionaux et Départementaux placés sous la houlette du Directeur Général. La Protection Civile a 3 missions principales. Elle assure:

1. Les Missions de Secours.
2. La Formation aux premiers secours
3. L'Aide Humanitaire et Sociale sur le territoire national et à l'étranger.

La Fédération Nationale de Protection Civile est une association agréée de sécurité civile. Elle dispose à ce titre d'un agrément national pour:

– mettre en place des Dispositifs Prévisionnels de Secours (DPS) lors de manifestations pour lesquelles la FNPC assure la sécurité des participants et du public;

– assurer un renfort opérationnel des services publics de secours (SAMU, Sapeurs-Pompiers) dans le cadre d'un réseau de secours ou des Plans de Secours d'urgence (Plans Rouge, ORSEC, etc.);

– participer aux missions de soutien aux populations sinistrées en cas de catastrophes;

– participer à l'encadrement de bénévoles dans le cadre du soutien aux populations sinistrées.

Pour assurer ces missions, en plus de son agrément d'association de sécurité civile, la FNPC dispose d'une convention avec le ministère de la Santé et de la Solidarité depuis le 10 janvier 1992.

L'an passé, la Protection Civile a assuré 23124 dispositifs prévisionnels de secours, ce qui représente 960000 heures de service public bénévole. Les secouristes ont parcouru 1000000 km pour secourir plus de 85 000 personnes dont le quart a dû être évacué vers une structure hospitalière.

La Protection Civile en France dispose d'agréments nationaux pour dispenser l'ensemble des formations aux premiers secours:

– par un arrêté du 24 juillet 2007 pour la formation aux premiers secours y compris celle des formateurs

– par un arrêté du 26 juin 2007 pour la formation des instructeurs, formateurs de formateurs

– par une convention nationale avec l'Institut National de Recherche et de Sécurité (INRS) en date du 17 janvier 2005 pour la formation des sauveteurs secouristes du travail, moniteurs et instructeurs.

Elle compte: 119 instructeurs de secourisme, 2287 moniteurs des premiers secours. L'an passé, ils ont formé plus de 100000 personnes aux premiers secours (tous diplômes confondus) dont 90000 personnes au PSC1 (Prévention et Secours Civiques de niveau 1 remplaçant l'AFPS). Tous ces citoyens sont devenus capables d'effectuer des gestes qui sauvent ou de participer aux premiers secours dans leur entreprise.

La Protection Civile intervient également dans le domaine humanitaire en envoyant des équipes spécialisées et du matériel sur les lieux de grandes catastrophes comme récemment pour les tsunami en Asie. C'est aussi au sein de la Protection Civile qu'œuvrent des équipes de SAMU Social, qui vont à la rencontre des plus démunis dans les grandes agglomérations françaises. Aider à un retour à la vie normale, apporter un peu de réconfort, c'est une des missions des bé-

névoles de la Protection Civile. Ces trois missions sont assurées par les 32 000 bénévoles que compte la Fédération.

La toute première Association Départementale de Protection Civile (ADPC) a été créée en 1958 dans les Côtes-du-Nord. 5 ans plus tard, en 1963, on dénombrait déjà 26 ADPC déjà fédérées entre elles. C'est à la demande du Général de Gaulle, Président de la République Française, que le Premier Ministre Georges Pompidou, par une directive en date du 18 mars 1964, sollicite la création d'une Fédération Nationale de Protection Civile afin de fédérer l'ensemble des forces concourant à la protection des populations civiles sur le plan national.

La Fédération Nationale de Protection Civile (FNPC) est créée le 14 décembre 1965 lors d'une assemblée générale à Paris. La Fédération nationale a pour but de mettre en œuvre tous les moyens dont elle dispose en vue d'assurer la protection des populations civiles contre les dangers en temps de paix comme en temps de crise. Elle est dans la capacité de répondre à la demande des pouvoirs publics, des organismes publics ou privés ou à son initiative, pour toutes les opérations de secours, de couverture sanitaire ou d'aide humanitaire tant sur le territoire national qu'à l'extérieur.

1. Philippe Cart-Tanneur, Jean-Claude Lestang, Sapeurs-pompiers de France. – Edition B.I.P. Paris-1985.

2. Sapeur-Pompier, magazine N 1090. – France Sélection, Paris-2012.

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L'EMPATHIE DE A à Z

La notion de «empathie» apparu en psychologie dans les années 70, formé par analogie avec «sympathie», est aujourd'hui à la mode. On sait en gros qu'il renvoie à une compréhension subtile des sentiments d'autrui, mais difficile pour chacun d'entre nous d'en donner une définition plus précise. Il faut dire qu'il est utilisé un peu à toutes les sauces; sans doute parce qu'aujourd'hui les gens ont be-

soin de savoir comment les autres fonctionnent pour se situer eux-mêmes, comme le confirme Jacques Hochmann, membre honoraire de la Société psychanalytique de Paris. Selon Jacques Hochmann: «En réalité, c'est un sixième sens, la capacité à se mettre à la place des autres pour les comprendre sans oublier que l'on est soi-même». Une définition assez simple en apparence, mais qui cache en fait aujourd'hui trois niveaux de maturations différentes de l'empathie.

Empathie – c'est partager des émotions. C'est le sens courant du mot «empathie», les psychologues l'appellent «l'empathie émotionnelle» par exemple à la mort de Lady Di, on a pu parler d'empathie parce que la planète entière partageait l'émotion induite par ce drame dans une forme de sentimentalité débordante; à une échelle plus intime, quand sa meilleure amie se marie ou qu'un ami perd son père, nous pouvons être émus, essuyer une larme ou carrément pleurer car nous nous identifions par contagion à leur émotion, nous sommes pris dans ce que les psys nomment une «confusion émotionnelle». Ce premier niveau de l'empathie, on le retrouve aussi chez le bébé entre 18 et 24 mois lorsqu' il réagit par la même émotion à la vision de sa mère qui rit, qui est en colère ou qui a peur. Dans cette «empathie émotionnelle», on peut trouver des différences subtiles selon les personnalités: cela va de la sympathie à la pitié en passant par la compassion.

C'est comprendre les émotions de l'autre. Au niveau au-dessus, les théoriciens parlent d'«empathie cognitive»; elle permet d'avoir une représentation mentale de ce que ressentent les autres; on passe par l'intellect et la raison. Cette empathie, présente généralement chez le petit enfant dès l'âge de 5 ans, peut se développer par un apprentissage spécifique. C'est une nécessité pour les personnes soignantes (médecin, infirmière, psychologue) qui peuvent suivre des formations pour développer leur sensibilité et leur compréhension à ce que leur patient éprouve dans différentes circonstances de sa maladie ou de ses traitements. Selon Serge Tisseron, cette «empathie cognitive» qui permet d' «analyser les émotions d'autrui» peut également être dangereuse car elle peut «servir à des fins atroces.

Mais c'est surtout se mettre à la place de l'autre en restant soi-même. C'est la troisième dimension de l'empathie, son sens le plus noble, celui que Jacques Hochmann appelle le «stade mature de l'empathie». Bref, c'est la véritable empathie. On estcapablede sortir de soi, de faire un changement de perspective et de se demander: «Si j'étais à sa place, qu'est-ce que je ressentirais?». C'est un mouvement vers

l'autre, une démarche pour comprendre l'émotion vécue par la personne, en étant vraiment touché physiquement parce qu'on la comprend sans pourtant y succomber (car on sait bien que l'on ne vit pas la même chose qu'elle). A un enterrement par exemple, on peut comprendre le chagrin de la personne endeuillée, être soi-même attristé par sa douleur, la partager intimement sans éprouver le même deuil ni la même intensité, sans s'identifier; cette attitude généreuse rend capable d'agir, c'est celle du «bon» thérapeute vis-à-vis de son patient.

A une extrémité, les neuropsychologues ont défini l'autisme comme une pathologie liée à un défaut d'empathie; les personnes avec autisme se sentent entourés d'étrangers et ne peuvent interpréter un visage triste, par exemple. A l'autre extrémité, il existe des personnalités très douées pour comprendre les autres en un clin d'œil. Nous en avons tous fait l'expérience autour de nous. Peut-on développer l'empathie? «Certainement, comme on apprend à mieux jouer d'un instrument. Et plus les parents font preuve d'empathie, plus ils la développent chez les enfants», nous dit Jacques Hochmann. «Cette capacité qui s'acquiert vers 8 ou 9 ans a besoin d'être cultivée et encouragée, ajoute Serge Tisseron. Nous avons de plus en plus besoin d'empathie car sinon nous allons vivre dans un monde où il s'agira simplement de lutter pour survivre, une vraie jungle», explique le psy. Comment la faire grandir en nous? Peut-être en commençant par l'exercer sur nous-mêmes en analysant nos émotions, en étant plus réceptif à ce que nos proches disent de nous et en apprenant à être plus attentif à soi, à la fois bienveillant mais avec la bonne distance.

Quelles différences avec…

Dans tous ces mots qui expriment la sensibilité aux émotions des autres, il existe des différences, fines mais néanmoins importantes.

Côté émotions… La sympathie: Elle est spontanée, affective et auto-centrée; on éprouve dans son corps des émotions similaires à quelqu'un qui souffre ou qui est joyeux, («souffrir avec» en grec). La pensée type: «Et si cela m'arrivait à moi?»... La compassion: Elle est une forme extrême de sympathie (même étymologie venant du latin) proche d'une relation fusionnelle. Elle se manifeste par un grand respect pour la personne qui souffre. La pensée type: «Je suis très touché» ... La pitié: dans une situation de tristesse, il s'agit d'une compassion qui ne considère pas l'autre comme son égal mais qui vient plutôt d'en haut. La pensée type: «Le (la) pauvre!»

Côté comportements

... L'identification: C'est une appropriation psychique de la personnalité d'autrui souvent inconsciente. La pensée type: «Je suis comme elle»

... L'intuition: Il s'agit d'une compréhension rapide et profonde de l'autre qui donne accès plutôt à une idée de l'autre qu'à ses sentiments. La pensée type par exemple: "Cette personne est désarmée".

... La bienveillance: C'est une pensée positive à l'égard d'autrui qui induit un comportement tolérant et ouvert. La pensée type par exemple «Il/elle est formidable».

1. L'empathie de A à Z [Електронний ресурс]. – Режим доступу: http://www.femina.fr/Psychologie/ – Заголовок з екрану.2017.

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POLICE NATIONALE (FRANCE)

En France, la Police nationale est une police d'État. Elle est rattachée au ministère de l'Intérieur. Les policiers titulaires et stagiaires qui la composent sont des fonctionnaires de l'État.

Remplaçant le corps des gardiens de la paix publique, elle nait le 14 août 1941, sous le régime de Vichy, par un décret signé par Pétain. Ses missions sont la garantie des libertés individuelles et collectives, la défense des institutions de la République, le maintien de la paix et de l'ordre public et la protection des personnes et des biens.

Ses effectifs sont répartis en trois corps et seize grades, ainsi que plusieurs sous-institutions spécialisées comme la police technique et scientifique. La Police nationale est dirigée par un directeur général de la Police nationale, et la totalité du territoire français est sous sa juridiction. Le numéro d'appel d'urgence de la Police nationale est le 17 (commun avec la Gendarmerie nationale 3).

Missions et fondement:

La déclaration des droits de l'homme et du citoyen de 1789 affirme par son article second que la sûreté fait partie des droits inalién-

ables et imprescriptibles de l'homme, et par son douzième4 que la garantie des droits de l'homme et du citoyen nécessite une force publique instituée pour l'avantage de tous et non pour l'utilité particulière de ceux auxquels elle est confiée. Il est donc obligatoire pour la République française de se doter d'une force publique instituée 5.

Une définition des missions de la Police nationale a été donnée par le code de déontologie de la Police nationale6: «La Police nationale concourt, sur l'ensemble du territoire, à la garantie des libertés et à la défense des institutions de la République, au maintien de la paix et de l'ordre public et à la protection des personnes et des biens.»

La Police remplit trois missions prioritaires et fondamentales: la protection des personnes et des biens; la police judiciaire; le renseignement et l'information, se concentrant selon cinq axes: Assurer la sécurité des personnes, des biens et des institutions, maîtriser les flux migratoires et lutter contre l'immigration illégale, lutter contre la criminalité organisée, la grande délinquance et la drogue, protéger le pays contre la menace extérieure et le terrorisme, et maintenir l'ordre public.

La force publique française comprend la Police nationale (créée en 1941 par la fusion des polices municipales de l'époque), la Gendarmerie nationale (créée en 1791 à partir de l'ancienne maréchaussée) et les polices municipales actuelles.

L'appellation «Police nationale» fut donnée à une administration pour la première fois sous le régime de Vichy par la loi du 23 avril 1941.

Cette loi place les polices municipales sous l'autorité des préfets au lieu des maires (sauf pour la police parisienne déjà sous autorité de l'État depuis Colbert et Gabriel Nicolas de La Reynie). Les structures de la police sont alors chamboulées et ses diverses missions clairement identifiées: police judiciaire, renseignements généraux (RG) et sécurité publique. Le territoire est divisé sur trois échelles: la région est associée au préfet de région, le district (un département) au préfet, la circonscription au commissaire.

Cette organisation sera conservée par les IVe et Ve République.

Cette administration est remplacée en 1944 par la Sûreté nationale et, finalement, la loi du 10 juillet 1966 crée l'actuelle Police nationale incluant la Préfecture de police de Paris (créée par la loi du 10 juillet 1964).

Du milieu du XXe siècle à 1984, la Police nationale a participé à l'aide médicale urgente avec sa composante police-secours, tâche

maintenant dévolue aux sapeurs-pompiers. Toutefois, les CRS participent toujours aux secours en montagne et participent à la surveillance des plages en tant que maîtres-nageurs sauveteurs, bien que le nombre de fonctionnaires chargés de cette fonction ait diminué.

Véhicules:

La Police nationale est équipée de véhicules sérigraphiés, et d'autres banalisés. On peut trouver certains véhicules uniquement sérigraphiés et d'autres uniquement banalisés. De plus, il existe aussi différents types de véhicules selon les services et leur localisation.

Depuis 2011, les délinquants et criminels peuvent voir leurs véhicules confisqués par la justice qui les confie à la Police ou la Gendarmerie nationale. En 2014, la Police utilise 246 voitures saisies.

En 2014, la Police compte 28 190 véhicules dont 1 700 scooters et 3 100 motos. Le renouvellement des véhicules pose toutefois problème, notamment pour la période 2015–2017 où 10 896 ont besoin d'être renouvelés mais le budget de 30 millions d'euros annuels alloués aux véhicules ne permet d'en remplacer que 4 100.

Blessés et morts parmi les forces de police:

La Police nationale nationale a compté six morts et 5736 policiers blessés en mission en 2015. 49% des blessures résultent néanmoins d'accidents bénins. En 2016, le nombre des blessés connaît une augmentation de 14% en partie due aux manifestations violentes contre la loi Travail et aux heurts liés aux migrants de la dite «jungle de Calais» donnant un chiffre de 544 policiers blessés en moyenne par mois.

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1. [Електронний ресурс]. – Режим доступу: https://fr.wikipedia.org/wiki/Police_nationale_(France).

Зміст

НАУКОВЕ ВИДАННЯ

ПРАВОЗАХИСНА ТА ПРАВООХОРОННА ДІЯЛЬНІСТЬ: ЄВРОПЕЙСЬКИЙ ДОСВІД ТА УКРАЇНСЬКІ РЕАЛІЇ

Науково-практична конференція
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(іноземними мовами)

31 березня 2017 року

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