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ПРАВОВА 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

Всеукраїнська науково-практична конференція
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Р е ц е н з е н т и:
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Правова 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: тези доповідей та повідомлень учасників всеукраїнської науково-практичної конференції ад'юнктів, курсантів і студентів (іноземними мовами) / за заг. ред. канд. філол. наук, доц. І.Ю. Сковронської. – Львів: ЛьвДУВС, 2016. – 122 с.

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 materials 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.

DEAR PARTICIPANTS AND GUESTS OF THE CONFERENCE!

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

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, Odesa State University of Internal Affairs, Lviv Ivan Franko National University, Ukrainian National Forestry University, Lviv State University of Life Safety, Lviv Academy of Commerce, 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
Doctor of Law, Associate Professor — Valerii Sereda

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.

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 Cyberkriminalität 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.

Rektor der Staatsuniversität für innere
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Doktor der Rechtswissenschaften, Dozent — Walerij Sereda

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 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 cyber-criminalité 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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REASONS OF CRIMINAL BEHAVIOUR

Why do people commit crimes? This question is really important for understanding such people and for making society better than it is now. The answer to this question can help us to forecast the behaviour of offenders. Moreover, if we know why people do something illegally we can affect such people or destroy any reasons of such behaviour.

In criminology, there are many opinions on this problem. But all the people, who work with criminals or who directly know an offender and the situation in which this offender had been before he committed a crime (for example, because this law-breaker is their friend, one of the parents or brother) say the following: "People commit crimes for several reasons: economic; power; greed; anger; jealousy; passion; boredom, fear, opportunity; failure of self-direction".

The aim of the article is to consider some of the reasons.

First of all, I would like to mention morality as one of the reasons why people commit crimes. We can find such an opinion in the book "Human and World" by Yuri Mikhail: "Moral principles are not inherent in man from birth. They are formed in a family on the basis of watching the lives of all the members of this family, besides they are formed in the process of communicating with other people and in the process of studying at school" [4].

Susanne Karstedt is a professor of criminology and criminal justice at the University of Leeds, United Kingdom. In one of her interviews she said: "The role of moral decision making comes to the fore. I don't see criminal behaviour as just a reaction to some kind of environmental pressure, whether that is a very disadvantaging environment or opportunities that crop up. I look at criminality through the lens of the values that people have and how these influence their decisions. Some middle class people venture into quite fraudulent and shady practices, and they have a lot of ways of justifying such behaviour and reconciling it with their own moral self" [3].

I think it is correct to say that morality is one of the reasons of legal behaviour which is formed, when we come in to our world as the full members of society and when we contact with other people. So, if our morality is strong and we understand what we should do or what we should not do, the criminal situation will change, because correct morality will not allow us to do something illegally. Morality is only one of the reasons, which affect us and build our life, but in my opinion this is the main reason. The impact of the other causes on a human depends on the morality of the man. Only this tells us what we must do in different situations, for example, in the

situation when we don't have money but it is very important for us to have it, so, we can either try to find a good job or to steal money.

Secondly, I think that it is very important to talk about the socio-economic reason. The article "The Reasons behind Crime" was written by Fabio Bergamin. In this article Fabio Bergamin agrees with the view of Dirk Helbing, the Professor of Computational Social Science at the Department of Humanities, Social and Political Sciences and affiliate of the Computer Science Department at ETH Zurich, who said "The focus should be on the socio-economic context. As we know from the milieu theory in sociology, the environment plays a pivotal role in the behaviour of individuals. The majority of criminal acts have a social background" [1]. Prof. Dr. Dirk Helbing claims that if an individual feels that all the friends and neighbours are cheating the state, it is normal that he asks them: "Should I be the last honest person to fill in the tax declaration correctly?" Besides, Prof. Dr. Dirk Helbing says: "If we want to reduce the crime rate, we have to keep an eye on the socio-economic circumstances under which people live. We must not confuse this with soft justice" [1].

To tell the truth, our society is very commercialized. We can live a full life, if we have money. Actually, we live to get more money, we live to spend money, because money is one of the resources of our life. It is a pity, but some people live not for their family or children, but only for the enrichment of themselves. Such situation is not correct. A lot of people pay attention at you only when you have money. So, what must we do if we do not have money? There are many different ways to decide this problem. To find a job – is one of the most popular ways all over the world. To take a credit is the next right way of this problem. But there are people who want to have money but they don't want to work or to do something difficult for them (to take a credit – because it is a very long procedure), so they decide, for example, to steal money. Moreover, it is a pity, when humans steal money because they know a lot of people who enriched themselves when they had committed this crime. This way can be more interesting for a potential offender when he knows that some people who had committed a crime, didn't have problems with the police. So, the socio-economic reason causes us to do or not to do something illegal, but only a healthy society, which cares about the welfare of its citizens does not forget about the fact that money is not more important than a human and a stable economy can reduce crime all over the world.

Finally, I want to focus on the reason of the criminal behaviour, which is, in my opinion, one of the most important reasons. It is ignorance of law.

In the textbook "Prevention of Crime" which was written by Dzhuzha Alexander, Vasilevich Vitali and Guide Alexander we can find an interesting opinion: "Insufficient knowledge of environmental and legal norms, of their correct understanding, awareness of the necessity of the compliance law - all this is a factor that creates identity and strengthens environmental offender" [2].

When people clearly know what they can do, why they can do it and can not do something else, when people understand why they must follow the law, moreover, when everyone understands that law must be our friend and it only helps us to make our life better than it is now, the criminal situation must change in future.

So, everything what we do has some reasons, if we do not have reasons we will not want to do something. In criminology, an offender commits a crime when he has some reason. If we want to confront crime we must destroy these reasons. It must be a hard work for us because there are many reasons of criminal behavior, which we know, but there are many reasons, which we only need to find out.

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THE PROBLEMS OF DETERMINATION INFORMATION WHICH CONTAINS PUBLIC INTEREST

Over 100 countries have now adopted laws that give individuals a right to access information held by public authorities, now recognised globally as an international human right. One of the components of the right on information is information that includes the public interest.

The concept of the "public interest" has been described as referring to considerations affecting the good order and functioning of the community and government affairs, for the well-being of citizens. The expression ‘for the common good’ is also used.

What is in the ‘public interest’ is incapable of precise definition as there is no single and immutable public interest. In some ways it is easier to make general statements about what is not in the public interest than what is in the public interest. For example, it can be said that the public interest is distinguishable from a private interest because it extends beyond the interests of an individual (or possibly even a group of individuals) to the interests of the community as a whole, or at least a particular group, sector or geographical division of the community. However, even such a statement must be qualified because there are some circumstances where an individual’s private interests – in privacy and procedural fairness, for example – are regarded as being in the public interest.

Martin Wainwright, the Guardian's northern editor, said: "I'd say public interest means the fundamental health of a free society, and that it is always served by the truth and damaged by the failure to tell it. That includes telling the truth about individuals whose privacy is inevitably and rightly reduced if they become of interest to the public because of celebrity, public service, crime, etc."

Compare the definition of public interest in the editors' code of practice - the one administered by the Press Complaints Commission - with the definition in the National Union of Journalists' (hereinafter - NUJ) code of conduct. The former (let's call it the PCC version) says: "The public interest includes, but is not confined to: I) Detecting or exposing crime or serious impropriety; II) Protecting public health and safety; III) Preventing the public from being misled by an action or statement of an individual or organisation.

But the NUJ's version is longer and reads: The public interest includes: a) Detecting or exposing crime or a serious misdemeanour; b) Protecting public health and safety; c) Preventing the public from being misled by some statement or action of an individual or organisation; d) Exposing misuse of public funds or other forms of corruption by public bodies; e) Revealing potential conflicts of interest by those in positions of power and influence; f) Exposing corporate greed; g) Exposing hypocritical behaviour by those holding high office [1].

According to Article 29 of the Law of Ukraine "On information" subject of public interest is information that indicates the danger to national sovereignty and territorial integrity of Ukraine; ensure implementation of constitutional rights, freedoms and duties; indicates the possibility of human rights violations, deception of the public, the harmful environmental effects and other negative actions (omissions) natural or legal persons, etc. [2].

N.I. Petrova, who has many years dealing with relationship information, offers in deciding whether the public has to know such information to be considered: 1) whether someone's behavior is contrary to official duties; 2) Whether the presence offense; 3) whether there are signs of abuse of power; 4) Whether careless or improper performance of duties by public administration (state) authority; 5) whether corruption (unjustified use of state / public funds) or fraud; 6) whether it is a threat to health, safety person, group of people, the environment; 7) or official public misleading public statements; 8) miscarriage of justice; 9) when it comes to national security; 10) when it comes to economic well-being; 11) when it comes to human rights [3, p. 38-39].

For better understand the the concept of public interest, should consider the practice of the European Court of Human Rights (hereinafter - ECHR).

Case Kudeshkina v. Russia, application No 29492/05, judgment of 26.02.2009 - public interest in information about the pressure on judges. The case concerned the violation of the right to freedom of expression judge that was released from the judge, after her interview in the media, in which she commented behavior of various officials including the Chairman, the notorious corruption court case which considered the applicant. In the decision the ECHR said, that the functioning of the justice system of public interest. In the interview, the applicant referred to the alarming situation in courts and argued that cases of pressure on judges were

commonplace and that this problem was serious in order to preserve the independence of the judiciary and public confidence in it. The Court noted that the judge thus undoubtedly raised the very important issue of public interest, which should be the subject of free discussion in a democratic society.

The case Janowiec and Others v. Russia, application №№ 55508/07 and 29520/09 judgment of 21.10.2013 - public interest in information about the investigation of crimes of totalitarian regime. In the case of relatives of the victims of the massacre at Katyn in 1940 challenged the ineffective investigation of the events after the Russian authorities in 1990. ECHR recognized the public interest in transparent investigation of crimes the previous totalitarian regime and, respectively, for information about the investigation, including the materials relevant criminal proceedings.

Case Stoll v. Switzerland, application № 69698/01, decision of 10.12.2007 - public interest in information about diplomatic negotiations with current issues and the government's position. In the case of disclosure of a journalist was about a secret report prepared by the Swiss ambassador to the United States, a strategy that should choose the Swiss Government in the negotiations between the World Jewish Congress and Swiss banks concerning compensation for unclaimed Holocaust assets placed in Swiss banks. ECHR recognized the public interest in information about the views Ambassador this question and the issue of finding a satisfactory solution to the problem of unclaimed funds, which dealt with the considerable amount of money. In this case, the public interest is not limited to citizens of Switzerland and the wider international community concerned because the issue dealt with an important moral aspect of the question, which concerned the survivors of the Second World War and their families and descendants. The court took into account that journalistic materials were published in the context of public debate on the issue, which is widely reported in the Swiss media and how deeply divided public opinion in Switzerland, namely the issue of compensation for victims of the Holocaust unclaimed deposits in the accounts of Swiss banks. Discussion on the assets of Holocaust victims and the role of Switzerland during World War II while it was very hot and little international dimension. The ECHR found that the public had a legitimate interest in receiving information about the officials who had to deal with such a sensitive issue, their style and strategy of negotiations - this information was a means for the public to form opinions about the ideas and attitudes of political leaders. The ECHR also found that the public interest is not only to inform readers of the newspaper with current issues, but also in the interest of the authorities to ensure a positive and satisfactory outcome of diplomatic negotiations conducted at that time. Accordingly, it should balance two public interests.

So we can conclude that public interest is a common concern among citizens in the management and affairs of local, state, and national government. It does not mean mere curiosity but is a broad term that refers to the body politic and the public weal.

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CYBERCRIME: COPYRIGHT INFRINGEMENT IN THE SPHERE OF INFORMATION TECHNOLOGIES

Cybercrime - a crime in the so-called cyberspace. The authors 'model law' on Cybercrime define cyberspace as "a physical and not physical space created and (or) formed as: computers, computer systems, networks, and their computer programs, computer data, data content , traffic data, and users. " Currently, the official definition of cyberspace internationally absent, however, as the definition of cybercrime. The development of Hi-tech information technologies is a large-scale dynamic process which has a constant and purposeful character.

As a result the existing ways of data processing are constantly improved and new ways are created, data transmission speed increases, new types of communication channels appear, and previously unknown or unavailable services arise. On the other hand, all this attracts criminal world, as it is the basis for emergence of more sophisticated, high-tech schemes of criminal activity, thus creating a higher level of organization. Therefore, today cybercrime is a complex and very actual problem. Up to date cybercrime - is a product of the transition period of the development of society, which is significantly different from the crime of the previous years by its qualitative and quantitative characteristics [1].

Today cybercrime is more large-scale, professional, organized and technically equipped. The current state of crimes in the sphere of high information technologies is characterized by constant growth and expansion of the existing borders. It’s quite obvious that the acuteness of the problem in this sphere of struggle is becoming a potential risk for the country and requires making extraordinary decisions, fundamental changes in stereotypical approaches to its solving, developing of new forms of struggle against cybercrime, but taking into account the priority of the interests of man and citizen. Among the problems of protection of intellectual property rights the most important problem is the manufacturing of piracy products, including the creation of web-sites only for the distribution of piracy materials: the uncontrolled use of fake goods which bring big losses to the budget and also causes extensive damage to the country's image; the duration of patents and trade-marks registration; protection of computer programs and databases; protection of producers of audiovisual products; protection of trade-marks; lack of proper information management activities in the field of intellectual property protection, etc. But despite the above-mentioned,

different activities are being carried out in Ukraine now, they are aimed at the observance of the constitutional rights of the citizens for protection of intellectual property and providing favorable conditions for the creation of the objects of intellectual property. The work at the improvement of legislative acts and the elimination of their contradictions is being continued. In addition to the improvement of national legislation monitoring of observance by subjects of intellectual property of the existing normative legal acts amplifies [2].

Among the problems of protection of intellectual property is most acute issue of pirated goods, including creating websites solely for distributing pirated materials; uncontrolled use of counterfeit goods that bring great losses budget and cause great damage to the country's image; duration of the design patent and trademark; protection of computer programs and databases; protection of audio and video products; protection of trademarks for goods and services (trademarks); lack of proper information support activities in the field of intellectual property and so on [3, p. 216].

The attention is paid to the improvement of cooperation between state bodies and economic entities in implementation of intellectual activity. It is important to note that a sufficient extensive system of information security was established and it is operating in Ukraine now. Laws of Ukraine "On information", "On protection of information in telecommunication systems", "On State Secrets", Decrees of the President of Ukraine and the Cabinet of Ministers of Ukraine, which regulate the specific activities in the field of information security are included in national legislation. But existing criminal and criminal procedural legislation of Ukraine needs to be improved in the field of cybercrime [4, p.144].

But existing criminal and criminal procedural legislation of Ukraine currently needs improvement in cybercrime. The study of foreign experience indicates that at present operational search cybercrime prevention rruntuvatsya study on the main trends of cybercrime. This involves the use of new approaches to the implementation of analytical information and developments regarding psychological effects to combat computer crime. For example control of criminal activity on the Internet has the Federal Bureau of Investigation, which included in 1996 created Kiberpidrozdil that operates on the rights of the individual in the management structure of the FBI. In Kiberpidrozdil function assigned to assist other units of the FBI in the investigation of crimes committed with the use of computer and telecommunication technologies.

Computer crimes - is one of the fastest growing groups of socially dangerous attacks. Rapidly increasing rates of these crimes and their growing social insecurity. This is caused by the rapid development of science and technology in the field of computerization, and the constant and rapid expansion of the use of computer" Books techniques. It should be noted that the Ukrainian legislator pays great attention to this problem: the new Criminal Code of Ukraine for the first time provided a separate section of these crimes - the section XVI "Crimes in the use of computers systems. So, cybercrime in the sphere of information technologies is one of the actual problems of combating crime in the world, the prevention and combating of which should contribute to the proper constitutional rights of citizens, to the protection of intellectual property, to the improvement of the international image of Ukraine, to strengthen control over distribution. Ukraine has huge scientific potential, therefore

further creation of special conditions for inventive activities is of great value for the development of intellectual property and the economic growth of the country [5, p. 74].

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COMPARATIVE ANALYSIS OF THE MEDIA IN UKRAINE, USA AND THE UNITE KINGDOM

All information in our world is the truth.
False can only be the perception.
Valery Krasovsky

"Media" refers to the printed press, radio, and television. The term now also includes the Internet, as well as short messaging services for mobile devices. The media play two key roles: informing and educating the public and playing a traditional "watchdog" function [1, p.203].

The media landscape **in the United Kingdom** is large, complex and mature, arguably ranking second globally to that of the USA. This status is derived to some extent from the use of English as the primary natural language of production and content. Although none of the major global media conglomerates is based in the UK, a number of media organisations, notably Reuters and the BBC, have international standing in their own right.

It is estimated that more than 140 pieces of legislation have direct relevance to the media, and litigation is a favoured method (among those who can afford it) of bringing the media to account. Privacy was not recognised as such in UK law; however, cases could be brought for breaches of confidentiality. Freedom of expression is protected under the 1998 Human Rights Act which enacted into UK law the European Convention on Human Rights, and a Freedom of Information Act came

into force in 2005. The 1998 Act also introduced privacy as a statutory right. The main piece of media legislation is the Communications Act which established Ofcom. As a rule, activities by and in the media are governed by general law [2].

Give a little basic data about media in the UK. So, nowadays in this country are: 104 of Daily Newspapers, 467 of Nondaily Newspapers, 228 of Television Stations, 653 of Radio Stations, 20,190,000 people with Computers and 18,000,000 with Internet Access [3].

The Media of the USA. The organisation Reporters Without Borders compiles and publishes an annual ranking of countries based upon the organisation's assessment of their press freedom records. In 2013-14 United States was ranked 46th out of 180 countries, a drop of thirteen points from the preceding year [4].

According to research conducted by the American organization Pew Research Center for the People & the Press, in 2008 the Internet in the United States became more important source of information than daily newspapers. About 40% of the organization of people said that to review the use of Internet news sources such as conventional electronic versions of newspapers or specialized news sites. Newspapers read only 35% of respondents. However, television remains the most popular source of news, 70% of respondents reported watching the news via television [5].

TV for Americans is a kind of ideal, which worships country. It is through television is largely formed public opinion, the perception of Americans and the world events, usually under appropriate right angle in the "right" ideological perspective [6].

The Media of Ukraine consist of several types of communications media including television, radio, cinema, newspapers, magazines, and the Internet. Many of the media are controlled by large for-profit corporations who receive revenue from advertising, subscriptions, and sale of copyrighted material.

The first official radio broadcast took place in Kiev on 1 February 1939, television in Ukraine was introduced in 1951. The most watched television channels in Ukraine are commercial Inter and 1+1. Network covers 99.7 percent of Ukraine's territory (according to the channel's own information). Inter is among the top-rated networks in Ukraine, competing with such as 1+1 media, StarLightMedia Group, which operates 6 TV channels, 5 Kanal and TVi. 5 Kanal, controlled by Ukrainian President Petro Poroshenko, is the most popular news channel in Ukraine [7].

Ukraine's First National publicly television corporation works closely and provides broadcasting for Euronews and Hromadske.TV, an Internet television station in Ukraine that started to operate on 22 November 2013. Aside from web portals and search engines, the most popular websites are Vk, YouTube, Wikipedia, Facebook, Livejournal, EX.UA and Odnoklassniki [8].

Since November 2015 Ukrainian authorities, state agencies and local government authorities are forbidden to act as founders (or cofounders) of printed media outlets [9].

In Ukraine, the media is regulated by the Law "On Print Media (Press) in Ukraine", "On information", "On Advertising", "On Television and Radio" and several others. In our country has a current Law Union of Soviet Socialist Republics "On the press and other media" from 01.08.1990 year, which states that in the media

understood - newspapers, magazines, television - and radio, documentary cinema and other forms of periodic public dissemination media.

Among the 180 countries in the ranking of media freedom by 2015 (2015 World Press Freedom Index) Ukraine was at 129 place with 39.1 score. Recall that in 2014 Ukraine was at 127 place in the ranking of press freedom [10].

As a conclusion, to improve this situation need to amend the Ukrainian legislation, to borrow practices in other countries and output media Ukraine at world level. Ukraine is a young country so we have confidence that even a few years the media of Ukraine will compete with developed countries such as Great Britain and the United States of America.

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PACTS AND CONSTITUSION OF RIGHTS AND FREEDOMS OF THE ZAPORIZHIAN HOST

One may claim that the modern history of a nation begins with its constitution. The eighteen century was the period in which several nations received their constitution: The United States in 1787-1789, France and Poland in 1791.Ukraine led in this respect, with the constitution adopted in 1710.

The Ukrainian and Polish Constitution are analogous in some ways. The Polish Constitution of 1791 was promulgated shortly before the second partition (in 1793) and could be applied only to a remnant of history Polish territory for about four years until the final partition in 1795. The Ukrainian Constitution was accepted in Bendery (now in Moldova). Nevertheless, both documents are important achievements in their respective constitutional histories.

The Constitution of Pylyp Orlyk or Pacts and Constitutions of Rights and Freedoms of the Zaporizhian Host was a 1710 constitutional document written by Hetman Pylyp Orlyk, a Cossack of Ukraine. The full title is "*Treaty on the Establishment of the Rights and Freedoms of the Zaporozhian Army and the Entire Free Little Russian Nation between His Excellency Hetman Pylyp Orlyk and the General Officers, Colonels, and the Registered Zaporozhian Army, Which, in Compliance with the Old Custom and Military Regulations, Was Approved by Both Sides by a Free Vote and Sealed by the Solemn Oath of His Excellency the Hetman*." A shortened version of this lengthy title – *Pylyp Orlyk's Constitution* – is commonly used.

It established a democratic standard for the separation of powers in government between the legislative, executive, and judiciary branches. The Constitution limited the executive authority of the hetman, and established a democratically elected Cossack parliament called the General Council. Pylyp Orlyk's Constitution was unique for its historic period, and was one of the first state constitutions in Europe.

After the Battle of Poltava, when Charles XII of Sweden's and Hetman Ivan Mazepa's armies were defeated by Peter I of Russia, Pylyp Orlyk remained with Mazepa. Together, Orlyk, Mazepa and their Cossack forces retreated to the city of Bendery, (now Moldova, then part of the Ottoman Empire). The Zaporizhian Cossack Army also settled in this area.

When Mazepa died on 5 April 1710, Pylyp Orlyk was elected as the Hetman of the Zaporizhia Host. On the same day, he declared the *Pacts and Constitutions of Rights and Freedoms of the Zaporizhian Host.* Hence, Orlyk's Constitution is sometimes referred to by the city of its proclamation, Bendery. The original document of the Bendery Constitution was written in Latin. There exists also a translation into old Ukrainian.

The document consisted of 16 articles, which can be divided into four thematic groups. The preamble briefly discusses Cossack history, their Khazar origin, the rise of the Zaporizhian Sich and its downfall when after under Bohdan Khmelnytsky it rebelled against the Polish-Lithuanian Commonwealth and ended up serving Imperial Russia. According to the introduction, using all available means, Moscow limited and nullified rights and freedoms of the Zaporizhian Host and eventually subjugated the free Cossack nation. Ivan Mazepa's politics and alliance with Charles XII of Sweden are explained as logical and inevitable, mandated by the need to free the homeland. The independence of the new state from Russia is given as the primary goal of the Bendery Constitution.

Articles 1–3 dealt with general Ukrainian affairs. They proclaimed the Orthodox faith to be the faith of Ukraine and independent of the patriarch of Moscow, designated the Sluch River as the boundary between Ukraine and Poland, and recognized the need for an anti-Russian alliance between Ukraine and the Crimean Khanate.

Articles 4–5 reflected the interests of the Zaporozhian Cossacks, who constituted the overwhelming majority of the Bendery emigration. They obligated the hetman to expel, with the help of Charles XII of Sweden, the Russians from Zaporozhian

territories, to grant the town of Trakhtymyriv to the Zaporozhians to serve as a hospital, and to keep non-Zaporozhians away from Zaporozhian territories.

Articles 6–10 limited the powers of the hetman and established a unique Cossack parliament, similar to an extended council of officers, which met three times a year. The council was to consist not only of the general staff and the regimental colonels, but also of 'an outstanding and worthy individual from each regiment.'

Articles 11–16 protected the rights of towns, limited the taxation of peasants and poor Cossacks, and restricted the innkeepers. In the introduction to the constitution, Ukraine's independence of Russia and Poland was stipulated as a precondition. Charles XII, who was present in Bendery at the time, confirmed these articles, as 'the protector of Ukraine.'

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INTERNATIONAL LEGAL PROTECTION OF CIVILIANS IN ARMED CONFLICT

Due to the presence of local conflicts in some countries, the issue of protecting civilians from military aggression manifestations is relevant and necessary part of modern international politics and law.

In international law provides that the obligation of warring parties has the ability to distinguish between those who is directly involved in armed conflict, and those who doesn`t accept such participation.

Civilians are those persons who aren`t take part of the armed forces, thus aren`t eligible to participate in hostilities. Violation of this prohibition by the belligerent parties is the basis for the introduction of the protection of the civilian population [4,187].

International law in armed conflict civilians provides general or special protection [2]. General protection given to civilians around regardless of age, sex, race and national origin, political or religious beliefs. Granting special protection is due to the vulnerability of certain populations (children, women) in situations of armed conflict,

or because of their special role in assisting the civilian population (medical staff) [3,156].

Conflict parties in armed resistance must limit themselves to taking steps that can cause physical suffering or lead to the destruction of persons who are in captivity.In this regard, prohibited murder, torture, corporal punishment, mutilation.In addition, articles 33 and 34 of the Geneva Convention have rules, which prohibited collective punishment, terror, robbery, reprisals, hostage-taking [1]. As a method of prosecution ofwar, it is absolutely forbidden to use starvation [1].

General defence can be divided into previous, direct and further.

Previous protection provides:

- Creating a "demilitarized zone";
- Avoid locating military objects in densely populated areas;
- Advance warning of attacks against the civilian population [5,124].

Direct protection includes:

- The use of precautions in the choice of means and methods of attack and defense in order to avoid accidental injury or casualties among the civilian population.
- Termination of the attack if it becomes apparent that he will do excessive in relation to the concrete and direct military advantage anticipated loss of civilian life, injury to civilians and cause random damage to civilian objects [5,125].

Further protect include:

- Direct transactions for the implementation of protection of civilians;
- Assistance through the Civil Defence Service (evacuation, picking up the wounded and dead)[5,126].

Also, it is reasonable to attract to exercise control functions for compliance with the measures preceding and subsequent protection of peacekeeping troops (such as the UN or the EU) and to provide their recommendations to the parties to the conflict.

Feature rules governing regime of special protection, is that its constitute additional measures aimed at ensuring the protection of civilians in armed conflict, and usually details governing the granting of such protection and the conditions under which it ceases to operate.

In addition, international law imposes on a state-occupier duties on certain population that fell under its power. She obliged:

-to supply food and medicines in the occupied territory if the resources of the occupied territory is not enough;

-to make conditions for the operation of medical facilities;

- to continue the work of schoolswith help of local authorities;
- to ensure law and order in the occupied territory[4,213].

The guarantor of law and order in the occupied territory can be used local law enforcement. The police occupied state cannot be used to participate in hostilities [3,159-160].

Thus, the protection of civilians in armed conflict is one of the important tasks doesn`t only peacekeeping troops, but also of the parties, which should provide comprehensive legal protection and civil rights in armed conflicts.

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TO THE ISSUE OF THE CONTENT AND GROUNDS OF ADMINISTRATIVE RESPONSIBILITY FOR VIOLATION OF LEGISLATION ON MOBILIZATION PREPARATION AND MOBILIZATION

Today the process of mobilization preparation and mobilization plays an important role in ensuring the independence and territorial integrity of Ukraine and occupies a significant place in the lives of the citizens of our country, because according to Ch. 2, Art. 65 of the Constitution of Ukraine [1] protection of the Motherland, independence and territorial integrity of Ukraine, respect for its state symbols, are the duties of citizens of Ukraine.

For dereliction of duty in the mobilization of the citizens of Ukraine, the State, represented by the relevant competent authorities applies sanctions to violators, mostly of criminal and administrative nature.

Therefore Modern conditions remain very relevant issue to determine the grounds on which officials and citizens of Ukraine can be brought to administrative responsibility under Article 210-1 of the Code of Ukraine on Administrative Offences of 07 December 1984 (hereinafter - the CUAO). Such liability should meet European standards and international legal mechanisms for implementation.

Thus, the purpose of scientific research is clarifying knowledge system to determine the content and grounds of administrative responsibility for violation of legislation on mobilization preparation and mobilization in Ukraine.

Determination grounds of administrative responsibility are major logistical and administrative guarantees of the legality of bringing the citizens of Ukraine to administrative liability [3, p. 38].

Since the legal literature hasn't practically studied the question of administrative responsibility for violation of legislation on mobilizing, it is believed that the content of the concept depends on the definition of the primary administrative responsibility. As it is rightly noted by V.B. Averyanov [4, p. 431], administrative responsibility of the state is characterized by the negative reaction to the illegal actions of some

individuals (and in some cases legal) persons by setting rules, prohibitions and adequate sanctions for breach of offenders. Administrative responsibility has all the features of legal liability, because the latter is a form.

Based on the foregoing, we conclude that the administrative responsibility for violation of legislation on mobilization preparation and mobilization is a kind of legal liability, which is a combination of administrative legal relations arising in connection with the use of authorized bodies (officials) to persons who have committed administrative misconduct during mobilization, administrative law provided for specific sanctions - administrative penalties. In mobilizing under the Article 210-1 of the CUAO, administrative penalties feature is that they only impose a fine of ten to three hundred untaxed minimum incomes.

That is, depending on who committed the offense and if this administrative offense was committed for the first time or repeatedly within one year from the commission prior to mobilizing for which the person has been imposed to administrative penalty, and the type of administrative offense in the mobilization, which primarily depends on the public danger (as far as the law does not specify that it is an administrative offense) applies only fine of 170 UAH to 5100 UAH to offenders.

In our opinion, this position of the legislator is not entirely justified, because in practice without specification of administrative offenses for violation of legislation on mobilization preparation and mobilization and the amount of the fine for their commission, can lead to the fact that for identical administrative offenses different persons will be imposed different administrative responsibility. At the same time there is no unity among scientists as to the definition of the grounds of administrative responsibility.

For example, V.B. Averyanov [4, p. 431] believes that the basis of administrative liability is only an administrative offense, and N.O. Tsyupryk [5, c. 448] indicates that the administrative science decides to allocate three grounds of administrative responsibility: in fact, regulatory and procedural.

Normative basis is a system of norms reinforcing the administrative misconduct; the system of administrative penalties; the range of subjects that have the right to apply administrative penalties and procedure of bringing to administrative responsibility. Procedural ground of administrative responsibility is an act of the competent authority of the imposition of specific administrative penalty for a specific offense for a specific administrative guilty person [5, c. 448-449].

In our view, the classification of the grounds of administrative responsibility offered by N.O. Tsyupryk in the current situation is more correct, as we consider that the existence of the above conditions is a necessary factor in order to bring the offender to administrative responsibility, including to administrative responsibility for violation of legislation on mobilization.

Therefore, on the basis of the above, the author makes the following research conclusions:

- administrative responsibility for violation of legislation on mobilization is a kind of legal liability, which is a combination of administrative legal relations arising in connection with the use of authorized bodies (officials) to persons who have

committed administrative offense in the process of mobilizing provided administrative law special sanctions - administrative penalties.

- Imposing on an offender a fine that can range from 170 UAH to 5100 UAH without specifying an administrative offense, in our opinion, the legislator is unjustified, because without determining specifications for an identical offense various fines may be imposed.

- The presence of actual, regulatory and procedural grounds of administrative responsibility for violation of legislation on mobilization preparation and mobilization is a necessary factor in order to bring the offender to administrative responsibility, including administrative responsibility for violation of legislation on mobilization.

- As to the content of the objective side of administrative misconduct while violating the law on mobilization preparation and mobilization, then, unfortunately, in the Article 210-1 of the CUAO the legislator does not specify the types of violations related and which of them should be attributed to the mobilization training and which to the mobilization process infringement. This item of Ukrainian legislation will be investigated thoroughly further.

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ADMINISTRATIVE AND LEGAL REGULATIONS OF LEGAL DEPARTMENT ENTERPRISE'S ACTIVITY IN THE COURSE OF APPELLATION OF FISCAL AUTHORITIES' ILLEGAL DECISIONS

In November 2008 the Cabinet of Ministers of Ukraine passed resolution "The General Decree on Legal Department of Ministry, other Executive Authorities, State Enterprises or Organizations" basing on the new relationships demanding

development of legal work in all areas of Ukraine's economics, creating new conditions for providing legality in activity of state authorities and enterprises.

This legal act regulates only activity of law departments of state authorities and enterprises, private enterprises and organizations.

The amount of commercial enterprises' tax audit in 2015 was increased on 17% and the amount of tax audit acts was increased on 23%. That is why the enterprise's law department analysis examines all tax audit acts and prepares court claims for protection of the enterprise in court.

The level of successful appellation of illegal tax audit decisions depends on the effective legal department's activity.

Separate aspects of law department's status, its role and essence during providing legal regime of enterprise's activity, participation in commercial activity were described in scientific works of the following scientists: V.B. Avarjanov, O.M. Bandurka, V.M. Bevzenko, R.A. Kaljuzniy, N.A. Lytvyn, R.S. Melnyk, D.M. Prytka, N.P. Tyndyk, L.M. Shora.

Law department is responsible for analyses of tax audit acts basing on which enterprise was penalized, for preparing appellations and court claims for enterprise's protection in court. Level of successful appellation of tax audit decision depends on effective legal department's activity.

Law department is a part of an enterprise, an organization or a company which is responsible for legal side of agreements' conclusion, regulation of economic and labor relations and writing pretensions and court claims.

Claim work involves:

- preparation, receiving and drafting documents needed for pretensions and court claims;
- submission and consideration of court claims, preparation of documents required for successful court hearing;
- protection of enterprise's interests in the course of court hearing cases relating to commercial, labor, tax and property disputes;
- providing organization and technical measures (registration, audit, saving and sending documentation required for court representation);
- control of all judicial proceedings within the enterprise;
- consideration, analyses and unification of all court cases within the enterprise;
- preparation conclusions, proposals for improvement of court representation.

There are two ways of tax disputes solving – court (by administrative proceedings) way and pre-court one. Appellation of tax audit decisions in administrative way may be considered as:

- way of tax obligation acceptance;
- way of tax dispute resolution;
- guarantee of rights' protection of tax payer.

There is no one unique approach in science regarding clarifying essence of juridical tax procedures, creature of administrative procedures of tax disputes' solving. It is actual today to learn the problem of tax office decisions' appellation as the way of tax disputes' solving.

M.V. Kucherjavenko, Y.A. Usenko, S.B. Burjak, V.T. Bilous and other scientists researched the above mentioned questions.

The actual reason of procedure's starting administrative appellation of control's body decisions is that tax payer has other approach/view then tax office about its tax obligations and tax office's authorities during determination of such obligations and during providing measures directed on its execution.

Procedural reason of taxpayer's appeal is its complaint about the decision, which contradicts to the law or beyond the jurisdiction of the authority by which it was adopted. Since the beginning of the procedure of administrative appeal, conflict that arose between the parties of material tax relationship transforms in the area of procedural regulation and receives the dispute's qualification.

It should be noted that the Code of Administrative Procedure of Ukraine changed the principles and procedure for consideration of tax disputes in the court, reasoned the need to update the regulation of Appeal harmonization of tax obligations. This was reflected in the Tax Code of Ukraine, according to which the obligation to proof legality of the liability accrual or any other decision of the tax office relies on controlling body. Thereby introduced a common approach to the process of proof in tax disputes, regardless of the way in which it solved: the pre-trial or trial.

Compliance of appeal form in tax disputes at pre-trial procedure is essential for its proper consideration. The Paragraph 56.3 of the Article 56 of the Tax Code of Ukraine indicates a compulsory written complaint form, which if necessary can be supplemented by duly certified copies of documents, calculations or other evidences that the taxpayer determines to provide with. The right of the taxpayer to refer the complaint to the supporting documentation is limited. According to the paragraph 44.5 and 44.6 of the Tax Code of Ukraine, the taxpayer may refer to documents which were excluded from him during the inspection by law enforcement agencies as a result of excavation of a withdrawal, or which by any reason have not been taken into account during the inspection by tax officer of tax authority of which were provided by the supervisory authority to check the expiration or referred to in the audit report as missing and submitted to the supervisory authority that appointed inspection.

The main reason of the large number of tax audits and the large number of legal disputes regarding the appeal of tax decisions is the need of filling the state budget as there is the tendency of constant budget deficit.

The appeal of tax office's decisions intends to reduce or cancel the additional assessed of tax liability by tax authority.

The main problematic issues of combating tax decision are:

- total insignificance of tax payers' transactions on value added tax;
- the failure of paying taxes by the counterparty to the state budget;
- the lack of a taxpayer's sufficient working personnel and fixed assets.

Satisfaction of substantiated pretensions and claims and, conversely, motivated deviation indicates not only about the level of claim-related work, but also about the professional preparedness of legal advisers, their ability to protect the rights and

legitimate interests by legal means of not only companies but also the state and society at all.

Legal service companies prove the necessity of its existence. Currently, its role in economic activity is high. And there is no doubt that with the further development of market relations, increasing autonomy of enterprises the role of the legal service will further increase.

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THE CONCEPT OF A NATIONAL POLICE OF UKRAINE: PROS AND CONS

Over the past year thousands of newly recruited police officers have taken to the streets of Kiev, Odesa, Lviv, and other cities across Ukraine. In contrast to their predecessors in the old, post-Soviet militia, these newcomers are polite, well-trained and physically fit. Perhaps most importantly, they refuse to take bribes. Many of the new recruits sympathized with the 2013-2014 Euromaidan demonstrations that overthrew the corrupt political order of the former President Yanukovych, and they are genuinely interested in building a new, more democratic Ukraine. Over a quarter of the new police force consists of women — one of the highest rates in the world. The new units enjoy high approval ratings in Kiev and are regarded as a symbol of a 'civil' state.

To date, Ukraine's new police have been focused on a myriad of petty matters: smoking in public places, homeless people sleeping in tourist areas, and cars parking around bus stops. But a new policing model in Ukrainian cities does not explain how bigger and more violent crimes are prevented through policing small things.

Even more worrisome are the Interior Ministry's plans to organize a new SWAT force supported by the U.S. Drug Enforcement Administration, the Border Patrol, and the State Department's Bureau for Narcotics and Law Enforcement. In a repeat of the patrol police project, only a closed circle of ministry officials and U.S. donors are involved in designing the new force, which is supposed to replace former special operations police forces such as "Berkut," infamous for its deadly violence against Euromaidan demonstrators. Activists worry that adopting the U.S. model for a militarized police force will allow Ukraine's leaders to use brutal force against anti-government demonstrations in the future. A better fit might be found in neighboring Poland and the Czech Republic, where military police units are assigned exclusively to the armed forces or to carry out counterterrorism missions.

The Ukrainian and Georgian experiences with police reform reflect larger trends in the ex-Soviet Union and in other countries emerging from authoritarian rule. International efforts typically provide police with new uniforms, refurbish police stations, and train officials. Programs focus mostly on institutional objectives and formal legal structures; only a small fraction of funds goes to civil society groups who promote the rule of law [1].

To my mind there are three differences between a new police and the militia. I think it should be three advantages: responsibility, efficiency, dignity. New policemen are not afraid to take responsibility, make their own decisions, based on their own assessment of the tactical situation.

On the other hand, militia system - is a bureaucracy where everyone is afraid to take responsibility in any irregular situation that departs from the prescribed duties.

The police biggest imperfection, in my opinion, is a problem with the design of protocols, but a new police are trying to compensate their drawbacks with their respectful attitude to people.

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 [2].

A typical municipal force will contain the following subdivisions:

- Criminal Police ***(Кримінальна поліція)*** – investigation and prevention of serious and violent crime in Ukraine
- The criminal police may include specislised teams such as anti-drugs and financial crime prevention units
- All forces have crime scene and forensics units
- Patrol Police ***(Патрульна поліція)*** – general law enforcement operations, traffic policing and patrol duty (includes riot police divisions)
- Cyber Police ***(Кіберполіція, Департамент кіберполіції)*** – fighting against cyber crimes

In addition, the following special units exist:

- Security Police ***(Поліція охорони)*** – Successor to the State Security Administration of Ukraine and tasked with providing close protection to senior government officials nationwide.
- Special Police ***(Спеціальна поліція)*** – Tasked with keeping order in areas with special status and/or affected by natural or ecological disaster.
- Rapid Operational Response Unit (KORD) ***(Корпус Оперативно-Раптової Дії)*** – Tactical response unit, tasked with resolution of stand-off situations involving hostages and/or heavily armed suspects. Also tasked with providing a tactical support function to other divisional officers.
- Pre-trial Investigative Services ***(Органи досудового розслідування)*** – Representatives of the National Investigative Bureau, Tax Authorities and Security Services, tasked with investigating crime [4].

Replacing the police, making changes within their structure, does not happen immediately and completely. It was started from the city of Kyiv, received positive feedback from the society and spread relevant experience in other regions of Ukraine. This process continues until today.

It's necessary to underline the positive features of the police work, as increasing a number of citizens' appeals, the time of arrival of the police, the engagement. With the advent of patrol police was made the first step towards the transformation of penal law enforcement structures on customer service. The police reform will be successful if it demonstrates clear improvements compared to the previous system of law enforcement organs.

To achieve and consolidate the tasks put on the police they have to work tirelessly.

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THE COMPARISON OF CHANGES IN UKRAINIAN AND POLISH POLICE SYSTEMS

The National Police of Ukraine, commonly shortened to Police (Ukrainian: Поліція, *Politsiya*), was formed on 3 July 2015, as a part of the post-Euromaidan reforms launched by Ukrainian President Petro Poroshenko, to replace Ukrainian's previous national police service, the Militsiya. On 7 November 2015 all the remaining *militsiya* were labelled "temporary acting" as members of the National Police [1].

The agency is overseen by the Ministry of Internal Affairs.

Prior to 3 July 2015, law enforcement in Ukraine was carried out directly by the Ministry of Internal Affairs as the *militsiya*. Plans to reform the Ministry, which was widely known to be corrupted, 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 a part of the reforms, the Minister of Internal Affairs 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 policemen and women, picked from 33,000 applicants, were recruited to initiate the new service in Kyiv. Officers were trained by American specialists.

Upon the launch of Kyiv's new patrol police on 4 July 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 organisation was formally established as the National Police on 2 September 2015. By late September 2015, 2,000 new constables were on duty in Kyiv, 800 were on duty in Kharkiv and 1,700 were on duty in the cities of Odesa and Lviv. At this point, the *militsiya* contains 152,000 officers, and continued to handle most policing across Ukraine. The basic salary of the new police force is (almost $400 a month) is about three times as much the basic salary of the former *militsiya*. That fact is explained as an attempt to decrease corruption.

The employed in *militsiya* were allowed to become members of the National Police after passing "integrity checks", but they were only eligible if they met the age criteria and went through retraining.

The National Police is divided into a number of different services. Each municipal force has internal subdivisions. This the police service with a large number of specialized branches 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.

A typical municipal force will contain the following subdivisions:

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

The criminal police may include specialized teams such as anti-drugs and financial crime prevention units.

All forces have crime scene and forensics units.

- Patrol Police – general law enforcement operations, traffic policing and patrol duty (includes riot police divisions)
- Cyber Police – fighting against cyber crimes

In addition, the following special units exist:

- Security Police – successor to the State Security Administration of Ukraine and tasked with providing close protection to senior government officials nationwide.
- Special Police – tasked with keeping order in areas with special status or affected by natural or ecological disaster.
- Rapid Operational Response Unit – tactical response unit tasked with resolution of stand-off situations involving hostages and / or heavily armed suspects. Also its task is 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 [1].

Law enforcement in Poland consists of the Police (Policja), City Guards (Straż Miejska, a type of municipal police), and several smaller specialized agencies.

The Prokuratura Krajowa (the Polish public prosecutor) and an independent judiciary also play an important role in the maintenance of law and order.

As Poland is a very centralized state, regional law enforcement agencies do not exist in the way that they do in the United States, Canada, Germany or the United Kingdom. While regional commands exist within the organizational structure of the Police System, the regional authorities do not have any major say in law enforcement policy.

The Polish National Police consists of criminal, patrol and supportive services. Court police is also the part of the Polish National Police. It's known that on May 1, 2004 Poland, along with nine other mostly eastern European nations, was admitted into the European Union, bringing that group's membership to 25 nations [2].

The Polish police today are part of the Ministry of the Interior and are administered by a general inspector out of the national headquarters in Warsaw, Poland. The national headquarters supervises, 16 province headquarters, are known as Voivodships that are essentially regional police similar to the various provincial police forces in Canada. It also is directly responsible for the Warsaw police headquarters.

The 16 Voivodships then supervise the nation's 392 county police agencies (Poviat), and these county police have under their control the local police stations (komisariaty), of which there are approximately 1,800. Although Poland still maintains a chain of command from local police to the national headquarters, the provincial, county, and the government administrations at their specific levels. Therefore, there is an element of local control over the local police.

The organization is divided into different police services that include the prevention service, the criminal service, and support service. The prevention service, which accounts for 58 percent of the police assignments, comprises the uniformed police, and it has primary responsibility for police patrol. Prevention service units include the court police and the prevention squads. The prevention squads consist of the special units such as the water police, air police, and railway police, while the antiterrorist unit is a special reaction team deployed out of the Warsaw area to respond to terrorist incidents such as hostage takings or hijackings.

The criminal service is similar to the detective bureau in a major metropolitan police department in the United States. The criminal service accounts for 34 percent of the organization's personnel. In the 1990s, the Central Investigation Bureau, which is akin to the Federal Bureau of Investigation in the United States, was created in the national police headquarters.

The support service provides personnel and logistical support for the entire Polish police force and contains 8 percent of service force [3].

Having analyzed the available material we should conclude that polish experience in reforming polish system is in line with other EU member nations and it is very important to Ukraine in its efforts to modernize Ukrainian police system.

Polish police system is effective, transparent and improved. Ukrainian police system did only the first step to development. But, in my opinion, it will be at one level with Polish police system soon.

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RELIGIOUS EDUCATION IN THE EUROPEAN UNION

Religion - an integral part of the spiritual culture of humanity, it has a big impact on today's society in Europe and around the world. It influences on an art, culture, philosophy. Religious education is the study of human creed, in accordance with her religion next to or in the course educational program as determined by the state. Learning religious education along with General education program can be provided by the Sunday school [2].

The main purpose of theological education is the training of Ministers of religious organizations, professionals, theologians, teachers of disciplines in religious educational institutions of various type and level. A course of religious education involves the spiritual development of the personality on the basis of religious morality.

The right to religious education is recognized by member countries of the European Union. For example, the Constitution of Poland establishes: "the religion of the Church and other faith Union with regulated legal status can be a subject in school, and can`t be violated the freedom of conscience and religion of others"[1]. In Bavaria state secondary schools are accessible to all children of school age. The question of the presence on the lessons of the law of God and participation in Church ceremonies and festivals dependent on the will of those who are eligible for the child's upbringing, and she reaches 18 years of age – on the will of the student. For students who don`t attend lessons in the Law of God, teach classes on generally accepted foundations of morality.

Finland provides religious education according to the religion of the majority of students. In this case, religious education is organized according to religious communities, to which belong the majority of students. Students (three or more) who belong to other religious communities than the majority of students can get religious education according to their own religion requested by parents. Students who don`t

belong to any religious community and don`t participate in religious education, should study ethics [4]. Across the country have the right to open religious schools for children who have completed basic education.

In addition to these countries, religious education is officially (defined at constitutional or legislative level) is part of the secondary education system in the UK, Greece, Spain, Italy, Ireland, Romania). In all of these countries is the possibility of replacing religious education course a course on ethics or religious morality [3].

Hence, secular education is the principle of organization and functioning of the education system that is free from interference and influence in education by religious organizations, as well as the free choice of everyone to receive religious education.

In my opinion, religious education doesn`t only develops the students' knowledge about Christianity and other major religions and religious traditions, provides opportunities for personal reflection and spiritual development, but also inspiring to learn from different religions and beliefs, their traditions and values, through exploring their own beliefs and questions of existence. It requires students thinking, analyzing, and evaluating issues of truth, faith, ethical issues, provide feedback. Because of this, on the one hand, develops the sense of self-identity and belonging, with another - there is a possibility for the disclosure of their identity, understanding of own role as a citizen in society. On this basis, it becomes clear the role of religious education in preparing students for adult life, employment and learning and the development of respect for other people, especially to those whose belief and attitudes different from their own, active life position.

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THE GOALS OF CRIMINAL JUSTICE IN THE USA

Before the examination of the reality of the criminal justice system in the USA we must first ask: What goals does the system serve? Although these goals may seem straightforward, it can be difficult to specify exactly what they mean in practice.

Criminal justice is a system with certain important characteristics that shape the processing of cases and determine the fates of individual defendants. Throughout this

process, formal rules of law have less impact on case outcomes than many people believe.

Criminal justice is a fascinating and crucial subject. A major challenge facing any democracy is the development of policies that will promote security and safety by dealing with crime while preserving the ideals of law, justice, and freedom.

The criminal justice system encompasses a major commitment on the part of American society to deal with persons who are accused of criminal law violations. The police, courts, and corrections are the primary subsystems of criminal justice in the United States. Each subsystem is linked to the other two subsystems, and the exchange relations of each have an impact on the others.

In 1967, the President's Commission on Law Enforcement and Administration of Justice described the criminal justice system as an apparatus society used to "enforce the standards of conduct necessary to protect individuals and the community" [1].This statement serves as the basis of the discussion of the goals of the criminal justice system. Although there is much debate about the purposes of criminal justice, three goals are prominent: 1) doing justice, 2) controlling crime, and 3) preventing crime.

We must first recognize that doing justice is the basis for the rules, procedures, and institutions of American criminal justice. Without a system founded on the principle of justice, there would be little difference between criminal justice in the USA and that in authoritarian countries. Fairness is an essential element. Doing justice also requires upholding the rights of individuals and punishing persons who violate the law. Thus, the goal of doing justice embodies several underlying principles: 1) that offenders will be held fully accountable for their actions; 2) that the rights of persons who have contact with the system will be protected; and 3) that like offences will be treated alike and that officials will take into account relevant differences among offenders and offenses [2].

Successfully doing justice is a tall order, and it is easy to identify situations in which American criminal justice agencies and processes fall short of achieving this ideal. Unlike in authoritarian systems in which criminal justice clearly serves the interests of those who hold political power, in a democracy people can aspire to improve the capacity of their institutions to do justice. Thus, however imperfect they may be, criminal justice institutions and processes in the United States can enjoy the support of the public as responsive agencies of government. In a democracy, a system that makes doing justice a paramount goal is viewed by citizens as legitimate and is thus able to pursue the secondary goals of controlling and preventing crime.

The criminal justice system is designed to control crime by apprehending, prosecuting, convicting, and punishing those members of the community who disobey the law. An important constraint on the system, however, is that effort to control crime must be carried out within the framework of law. The criminal law not only defines what is illegal but also outlines the rights of citizens and prescribes the procedures that officials must use to achieve the system's goals.

In any city or town, one can see the goal of crime control being actively pursued|: police officers walking a beat, patrol cars racing down darkened streets, lawyers advocating points of law before a judge, probation officers visiting clients,

and the maximum security prison looming tall and forbidding. Taking actions against wrongdoers helps to control crime, but the system must also employ strategies to prevent crimes from happening.

Crime can be prevented in various ways. Perhaps the most important is the deterrent effect of both the justice and crime control goals. The actions of the police, courts, and correction officials not only punish those individuals who violate the law but, in so doing, also provide examples that are likely to deter others from committing wrongful acts. For example, a racing patrol car is both responding to a crime situation and serving as a warning that law enforcement is at hand.

Crime prevention depends on the actions of criminal justice officials and citizens. Unfortunately, many Americans do not take the often simple steps necessary to protect themselves and their property. For example, many people leave homes and vehicles unlocked, do not use alarm systems, and walk in dangerous unlighted areas.

Citizens do not have the authority to enforce the law; society has given that responsibility to the criminal justice system. Thus, citizens must rely upon the police to stop criminals; they cannot take the law into their own hands. Still, they can and must be actively engaged in preventing crime.

Thus, the criminal justice system characteristics reflect natural responses by human beings who must undertake difficult tasks in a challenging environment. When the environment of criminal justice is recognized and understood, it should not be surprising that the human decision makers work together through informal means to do their best to pursue the objectives of doing justice, controlling crime, and preventing crime.

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GERMAN EXPERIENCE OF POLICE MANAGEMENT AND NEW PROCESSES IN THE UKRAINIAN LAW ENFORCEMENT SYSTEM

Today, under the conditions of Ukraine's modernizing the entire civil service and reforming the system of internal affairs, its integration into the system of law enforcement agencies of foreign countries, obviously there emerges the growing need to improve Ukrainian police work, to optimize professional staff training, to carry out

system-based changes in law regulation of official activities and social security of the officials of internal affairs.

To carry out these tasks Ukraine should turn to international experience, especially of the developed countries, which have developed structures of civil society, formed legal systems and established mechanisms of legal regulations.

Law enforcement agencies in many countries are actively implementing the so-called model of "Community Policing", which is a synthesis of traditional tactics to combat crime and public participation in this work. "Community Policing", in fact, has become a new philosophy of policing, according to which police is formed under the principle of decentralization of its structure, acts on proactive basis in close cooperation with citizens, jointly identifying problems and solving them. According to this model there have been changes in the work with the police staff [1: 26]

New methods and principles of the police management were adopted by the police of Bavaria which is considered one of the most safe in terms of citizen security in Germany. Today they are realized in an effective system of psychological support, in trainings of anti-stress and communicative character, in trainings for the authorities, which are developed, organized and conducted by the psychological service of the federal police in Germany, particularly in Bavaria.

The most important part of the police management in Germany is targeted psychological support of policing.

Today the tasks of psychological services are:

- Organizational development of the police and work with the staff (study of the problems in the police, development of the psychological concepts to improve the image of police in the public eye, diagnosis of the working climate in the team, selection of candidates for senior officer positions in the police with the help of Assessment Centres, development of principles and methods of staff certification);
- Support of the operations police activities in the investigation of serious crimes;
- Counseling of police officers, prevention of post-stress disorders, collaboration with clinics, psycho-therapists, police medical officers, clerics, trade unions and other institutions of police, which are responsible for the psychophysiological health of the personnel;
- Education and training of police officers in the field of applied and legal psychology.

In addition, the psychological service of the Bavarian police provides training to improve the skills of the officials in general and applied psychology, seminars on the organizational structure of the police, classes in pedagogy and didactics for beginners, seminars in legal psychology, trainings for trainers, trainings in rhetoric for press officers, personal coaching for chief police officers; the psychological service also organizes the activity of mediators in resolving conflicts that arise in the police force.

The work of the police psychological service is based on the principles of voluntarism, humanism, rule of law, scientificity. Among the basic principles of the police psychological service is also privacy. Information about the counseling and individuals who sought assistance are not disclosed [3].

For qualitative reforms in Ukraine the authorities decided to use the successful experience of foreign partners. To this end, the Cabinet of Ministers of Ukraine has

appointed Eka Zguladze the First Deputy Minister of Internal Affairs. In the autumn of 2014 the Minister of Internal Affairs Arsen Avakov presented the concept of the future reform of the Ministry of Internal Affairs, in which the establishment of the National police as a central executive body was implied. Throughout 2014-2015 an active work was conducted on the law regulating the work of the police. The two laws were prepared, presidential and governmental.

On May 21, 2015 the Verkhovna Rada of Ukraine supported Bill number 2822 "On the National Police", and on July 2, 2015 voted for the Bill. On August 4, 2015 the President of Ukraine signed the law [2].

In general, innovation processes occurring in Ukraine, in particular in the law enforcement agencies, offer real prospects for widespread use of international experience, especially the police of Bavaria, in the organization of the police. Synthesis and use of the latest achievements of science and practice of the police, surely, contribute to the solution of institutional problems, the optimization of vocational guidance, the adaptation to the requirements of the profession, the development of professional and organizational values, the achievement of professional skills, the learning of new activities and retraining of staff, as well as the carrying out of tasks of personnel monitoring, maintaining efficiency and prevention of professional deformation of the police, improvement of the working climate in units. This will create conditions for efficient and effective performing of duties and will improve the image of the police within the country and abroad. But the most important thing is that the balanced implementation of advanced foreign experience will help to refocus the work of internal affairs of Ukraine from administrative methods to more democratic, aimed primarily to help the population, to protect the rights and freedoms, to ensure public safety in everyday life, that is, in general to form people's confidence in the police. This, in turn, will bring the activities of the law enforcement agencies in Ukraine to the European level.

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CORRUPTION AND ITS TYPES

Corruption is one of the most overlooked yet prevalent social evils inherent to society. Corruption can cause a whole series of events, which work like a chain reaction. A person is pulled over for doing something illegal and tries to bribe a police

officer. The police officer accepting that bribe makes the person giving the bribe more likely to do something else illegal because they know they can bribe their way out of it. The police officer accepting the bribe is caught at work, and then has to bribe someone else to keep their mouth shut. It continues, until the entire political food chain is involved.

Types of corruption

Systemic corruption

As opposed to exploiting occasional opportunities, *endemic* or *systemic* corruption is when corruption is an integrated and essential aspect of the economic, social and political system, when it is embedded in a wider situation that helps sustain it. Systemic corruption is not a special category of corrupt practice, but rather a situation in which the major institutions and processes of the state are routinely dominated and used by corrupt individuals and groups, and in which most people have no alternatives to dealing with corrupt officials.

Sporadic (individual) corruption

Sporadic corruption is the opposite of systemic corruption. Sporadic corruption occurs irregularly and therefore it does not threaten the mechanisms of control nor the economy as such. It is not crippling, but it can seriously undermine morale and sap the economy of resources.

Political (Grand) corruption

Political corruption is any transaction between private and public sector actors through which collective goods are illegitimately converted into private-regarding payoffs. Political corruption is often used synonymously with "grand" or high level corruption, distinguished from bureaucratic or petty corruption because it involves political decision-makers. Political or grand corruption takes place at the high levels of the political system, when politicians and state agents entitled to make and enforce the laws in the name of the people, are using this authority to sustain their power, status and wealth. Political corruption not only leads to the misallocation of resources, but it also perverts the manner in which decisions are made. Political corruption is when the laws and regulations are abused by the rulers, sidestepped, ignored, or even tailored to fit their interests. It is when the legal bases, against which corrupt practices are usually evaluated and judged, are weak and furthermore subject to downright encroachment by the rulers. Occurs predominantly in developing and less developed countries. Usually associated with the electoral process.

Petty corruption

Small scale, bureaucratic or petty corruption is the everyday corruption that takes place at the implementation end of politics, where the public officials meet the public. Petty corruption is bribery in connection with the implementation of existing laws, rules and regulations, and thus different from "grand" or political corruption. Petty corruption refers to the modest sums of money usually involved, and has also been called "low level" and "street level" to name the kind of corruption that people can experience more or less daily, in their encounter with public administration and services like hospitals, schools, local licensing authorities, police, taxing authorities and so on.

Unlike grand corruption, which impacts a country by taking large sums of money away from the public purse, petty corruption directly impacts individuals, particularly the poor and vulnerable. It is often just as damaging to the poor, and more immediate and tangible than the bigger corruption cases which make breaking news and scandals.

Legal and Moral Corruption

Corruption is derived from the Latin verb *rumpere,* to break. According to this approach, corruption is where the law is clearly broken. This requires that all laws must be precisely stated, leaving no doubts about their meaning and no discretion to the public officials. A legal interpretation of corruption provides a clearly demarcated boundary between what is a corrupt activity and what is not. "If an official's act is prohibited by laws established by the government, it is corrupt; if it is not prohibited, it is not corrupt even if it is abusive or unethical."

The legal approach provides a neutral and static method of adjudicating potentially emotive and perception determined concepts of corruption. An understanding of corruption from law perspective serves to underline a deterioration of self-regulated behavior and a dependence on the legal approach to determine right from wrong. The complexities of modern governance and a proliferation of corruption scandals have corresponded with a proliferation of complex corruption legislation.

The breeding grounds for corruption lie in a culture where there seems to be very little or almost no punishment for it and where the rewards for being corrupt seem much greater than the risk of being caught [1, p.15–19].

Thus, corruption curtails development through scaring off investors, causing international marginalization, curtailing growth, heightening economic transaction costs, misallocating public resources, undermining public policies and weakening governance. Corruption is a global phenomenon that cuts across national, sector, class and other boundaries, even though different interests might have different incentives for and means to engage in corrupt practice.

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NATIONAL POLICE OF UKRAINE

The National Police of Ukraine (Ukrainian: Natsional'na politsiya Ukrainy), commonly shortened to Police (Ukrainian: Politsiya), is the national police service of Ukraine. It was formed on 3 July 2015, as part of the post-Euromaidan reforms

launched by Ukrainian president Petro Poroshenko, to replace Ukrainian's previous national police service, the Militsiya. On 7 November 2015 all the remaining militsiya were labelled "temporary acting" members of the National Police. [1. s.I]

The agency is overseen by the Ministry of Internal Affairs.

History

Prior to 3 July 2015, law enforcement in Ukraine was carried out directly by the Ministry of Internal Affairs as the militsiya. 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 realised.

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 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 Kiev in summer 2015. This new police patrol received funding from various countries.[12] 2,000 new policemen and women, 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 4 July 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 2 September 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 and Lviv. 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) is about three times as much the basic salary of the former militsiya; an attempt to decrease corruption.

The new National Police officially replaced the old militsiya on 7 November 2015. On that day, the remaining militsiya were labelled "temporarily acting" members of the National Police. The change allowed for 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. [2.]

Structure and branches

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.

A typical municipal force will contain the following subdivisions:

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

- The criminal police may include specislized teams such as anti-drugs and financial crime prevention units
- All forces have crime scene and forensics units
- Patrol Police – general law enforcement operations, traffic policing and patrol duty (includes riot police divisions)
- Cyber Police – fighting against cyber crimes

In addition, the following special units exist:

- Security Police – Successor to the State Security Administration of Ukraine and tasked with providing close protection to senior government officials nationwide.
- 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. 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. [3.]

Terminology

According to Professor Oleksandr Ponomariov of the University of Kiev's Institute of Journalism, the correct Ukrainian language term for a police officer is 'politsiyant'. This is in contrast to the term 'politseysky', a loan word from the Russian language, commonly used to refer to an officer of the National Police.

Ranks are rarely used by the public when addressing police officers in Ukraine; it is more common to hear the term Pan (female – Pani) - Ukrainian for mister/miss - used to refer to police officers. Qualifying terms such as 'ofitser' or 'politseysky' may also be used in conjunction with these forms of address.

The legal basis of activity of police

The national police is guided by the Constitution of Ukraine, international treaties of Ukraine, the Law of Ukraine "On the National police" and other laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine and published in accordance with regulations of the Ministry of internal Affairs of Ukraine, other normative-legal acts. National police as the Central body of Executive power established by the Resolution KM of Ukraine from September 2, 2015 No. 641The provision on the National police approved by KM of Ukraine on 28 October 2015.

Police

The police the citizen of Ukraine, who took the Oath of police officer is stationed at the appropriate positions in the police and assigned a special rank of police. A police officer has his ID and badge with an individual personal number. Samples and procedure for the issuance of official certificates and personal tokens of license approved by the Minister of internal Affairs of Ukraine. According to the report of doctor of Philology, Professor Alexander Ponomariov, the correct term in the Ukrainian language there is a policeman, not police, which is the Russian term.

The oath of a police officer

The person who enters the police service, is an Oath of allegiance to the Ukrainian people: "I, (surname, name and patronymic), conscious of its high responsibility, I

solemnly swear to faithfully serve the Ukrainian people, to observe the Constitution and laws of Ukraine, to implement them, to respect and protect rights and freedoms, honour, dignity to carry a high rank police officer and conscientiously perform their duties"

The procedure for taking the Oath of a police officer establishes the Ministry of internal Affairs of Ukraine.

Special ranks of police

• special ranks for Junior staff:

1. private police (corresponds to the rank of Private militia)
2. corporal of police (corresponds to the rank of Junior Sergeant of militia)
3. police Sergeant (corresponds to the rank of police Sergeant)
4. senior Sergeant of police (corresponds to the rank of Senior Sergeant of police, Sergeant of militia, Ensign of militia, the Senior Lieutenant of militia)

• special ranks of an average composition of:

1. Junior police Lieutenant (corresponds to the rank of Junior Lieutenant of militia)
2. police Lieutenant (corresponds to the rank of Lieutenant)
3. senior police Lieutenant (corresponds to the rank of Senior Lieutenant of militia)
4. police captain (corresponds to the rank of Captain of militia)
5. police major (corresponds to the rank of Major of militia)
6. police Lieutenant (corresponds to the rank of Lieutenant Colonel)
7. police Colonel (corresponds to the rank of Colonel of militia)

• special ranks of the higher officers of the police:

1. the police General of the third rank (which corresponds to the rank the General-the major of militia)
2. the police General of the second rank (which corresponds to the rank the General-the Lieutenant of militia)
3. the police General of the first rank (which corresponds to the rank the General-the Colonel of militia).

Limit special ranks of Junior officers of the police established posts established by the chief of police.

Ultimate special rank of police Supreme police staff posts are established by the President of Ukraine.

Day of the National police of Ukraine is the Ukrainian holiday, which is noted annually on 4 August — the day of signing by the President Ukraine the Law of Ukraine "On the National police".[4.]

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JUDICIAL REFORM: UKRAINIAN REALITY AND PROBLEMS

Ukraine has struggled with the law since its independence. Its judiciary is plagued by two main problems: political dependence and corruption. Political subservience extends from the district courts all the way up to the country's constitutional court and Supreme Court. During deposed President Viktor Yanukovych's rule, for example, courts were often merely tools for punishing political opponents and increasing Yanukovych's own power. Meanwhile, widespread judicial corruption – According to Transparency International, Ukraine ranks 144out of 177 countries in terms of perceptions of corruption – has led to the public's dismally low trust in the courts.

The judicial system of Ukraine is outlined in the 1996 Constitution of Ukraine. Before this there was neither notion of judicial review nor any Supreme Court since 1991's Ukrainian independence. Inherited most of its principles from the court system of the Soviet Union and the Ukrainian SSR, the court system of Ukraine is slowly being restructured.

Although judicial independence exist in principle, in practice there is little separation of juridical and political powers. Judges are subjected to pressure by political and business interests. Ukraine's court system is widely regarded as corrupt.

In recent times, Ukrainians often protect their rights not through legal channels but corrupt ones, by bribing law enforcement and judicial bodies. However, a certain proportion of people file complaints with law enforcement agencies and this often produces positive results. If you look at court statistics, specifically cases involving unlawful acts or inactivity on the part of state executive bodies and their officials, their numbers have grown 30 times. Statistics also show that citizens win many cases. However, I believe that our legislation could be used considerably more effectively to protect human rights. For Ukraine to become a state ruled by law, it is necessary to convince our citizens to trust and respect courts of law and law enforcement agencies. Most importantly, there must be respect for the law on the part of every Ukrainian regardless of rank and position.

There are also a number of international instruments, including the Universal Declaration of Human Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms, and so on. However, these documents are the prototype of what should be, an ideal we have to achieve. In 1948 this international code of human rights was introduced into a declaration that has essentially influenced the development of the judicial system in a number of countries. But in the last while, values in the sphere of human rights have been frequently disregarded, and politicians most often opt for political expediency to the detriment of human rights. But there is a rule that says that a regime that violates human rights is doomed to failure.

Also, I think, the biggest problem is nonobservance of laws, regulations, and resolutions. This is a national problem that is closely connected with our Ukrainian – or even Slavic – mentality.

Therefore, it is possible to state that the Declaration of Human Rights remains declarative, on the level of a protocol of intentions, nothing more. It is not that Ukrainians are unable to protect their rights. The point is that their rights are ignored so often that it is not always possible to record all cases. We know how our citizens' rights are ignored on all bureaucratic levels, ranging from housing to top-level executive authorities. It is especially difficult for our fellow citizens to seek justice from law enforcement agencies and the courts. In other words, the Ukrainian man in the street has nowhere to go to have his lawful rights and interests protected in today's Ukraine. Those who have money have bigger rights and are always on the winning side.

And finally, I should say, that it is true that Ukraine is still regarded as a progressive country compared to what's happening in Russia, including the human rights issue. We look better than other post-Soviet republics in other respects, but we don't have a state ruled by law compared to European countries. Add here the problem of skinheads, unsolved murder cases, the crime rate, and coal miners dying in pits with the owners of these mining companies getting off scot-free. All this is proof that our country is still in a transition phase in regard to these issues and partially in regard to human rights. This declaration is very important for us, but the sad fact remains that very little is being done in Ukraine to establish a state ruled by law.

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MONEY AND ITS ROLE IN THE ECONOMY

What is money? Why do we use money at all? In order to better understand the concept of money and get an answer to these questions, let us turn to the origins of money and examine its principal functions.

To begin with, money is the result of a long evolutionary process. Before there was money, people living in primitive societies used barter as a means of exchanging goods and services, and it worked quite well. However, as time went by and society advanced, the volume and range of goods and services expanded. Eventually, bartering became very complicated and cumbersome. Money solved basic problems created by barter "indivisibility" and "coincidence of wants". The emergence of money was spontaneous. No king, government or person created money. It came into being through barter, and evolved independently in different parts of the world. The oldest recorded use of money dates back to ancient Mesopotamia about 4,500 years ago.

Originally, money took the form of commodity money or money with its own value as a good. It means that the commodity itself constitutes the money, and the money is the commodity. In fact, any commodity used as a medium of exchange is commodity money. At different times different commodities were used as money: iron and bronze, cattle and fish, furs and skins, cowries and precious metals, specifically gold and silver. Gold coins are examples of commodity money because gold is worth something as a commodity, not just as a monetary unit.

Over time other types of money came into use: representative, fiat money, credit money, etc. The system of commodity money evolved into a system of representative money which refers to paper currency backed by a government or bank's promise to redeem it for a given weight of precious metal (gold or silver). During the late 19th and early 20th century, most currencies were examples of representative money.

Currency that is found today in most countries is fiat money. Unlike representative money, fiat money is not backed by any commodity, and is absolutely irredeemable. It serves as legal tender by a government decree. Whatever the type of money, it should be judged on how well it performs its major functions: 1) a medium of exchange, 2) a measure of value, and 3) a store of value.

Money serves as a medium of exchange; money is the mechanism that enables parties to make an indirect exchange of goods and services. In a money economy, if you want to buy or sell something, you do not need to find someone who has what you want, and who wants what you have.

Money is the benchmark for measuring value of goods and services. If you want to buy a mobile telephone, you don't need to calculate how much tobacco or honey will be necessary to buy it. Instead, you see the product's price, set in terms that everyone can understand, and you immediately know how cheap or expensive it is, comparing that value to other products.

Money acts as a store of value for future use or storing wealth. By saving money, you are able to spend some now and some later. Thus money transmits value over time.

In addition to these three functions of money, economists often point out the fourth criterion - a means of liquidity. Liquidity describes the ease with which an item can be traded for something that you want, or into the common currency within an economy. Money is the most liquid asset because it is universally recognised and accepted as the common currency. It has a big advantage over other assets. It can be used immediately to purchase goods and services while converting gold, diamonds, or a house into cash takes time and effort. In this way, money gives consumers the freedom to trade goods and services easily without having to barter.

Basic characteristics of money are: 1. Portability or transportability. Money can be easily carried from place to place. Paper money has proved highly convenient in this regard. 2. Divisibility. Money can be divided into small units without destroying its value so as to make large and small transactions. 3. Durability. Money is long lasting, able to withstand the wear and tear in changing hands. A good illustration of durability of money is the fact that money left in pockets withstands the wash. However, it is not only the physical durability that matters. Of no less importance is its social and institutional durability. People are willing to accept money in payment for one good because they are confident that they can use it at a later time for some other good or service. It works as a medium of exchange precisely because it stores value from one transaction to another. And this requires durability. While government-issued paper currency might remain physically intact for centuries, its ability to function as money depends on the institutional durability of the government. 4. Stability. The value of money must be more or less stable over long periods of time so people do not lose its purchasing power. 5. Recognizability and acceptability. The most essential attribute of money is its quality of being easily recognised and readily accepted as a medium of exchange. 6. Relative scarcity. For the purpose of controlling the money supply, money must be scarce but not too scarce.

Modern money takes two primary forms: cash (paper currency and metal coins), and cheques (Am. checks). Banknotes and coins are commonly used for small person to person transactions. Cheques, debit cards and wire transfers are used as a means of transferring larger amounts of money between bank accounts more easily. Electronic money is nonphysical currency that is traded and used over the Internet. The percentage of money moved electronically is growing dramatically these days.

To summarise, money is any commodity or token used by society as a medium of exchange, a measure of value and a store of value. Money helps to bring simplicity and organisation to our economy; makes it easier to trade, borrow, save, invest, and compare the value of goods and services.

Thus, money may be regarded as a keystone of modern economic life. Despite predictions of a “cashless society” relying on electronic payments, the public demand for currency continues to grow. Debit cards used for purchases and transaction records could greatly reduce the need for cash, but paper currency still has the advantage of privacy.

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SOLUTIONS TO MODERN PROBLEMS OF LAW ENFORCEMENT BODIES OF UKRAINE

Nowadays our world has reached the highest level of progress for all time it exists. The progress touches all spheres of our life and communication. For normal

existing of this two things people created some rules and customs that eventually become a law. Law is all over, law is everywhere. It is an enduring presence in our lives. Like it or not, everything that individual does and makes up his daily activities is impacted or affected by the law.

When speaking about European and Ukrainian law we can see lots of differences. First of all, European law is one of the oldest in the world. It has its roots from ancient times and now takes leading positions for its democracy, equality, humanness.

European law is what it is thanks to the great experience. Europe got it from different conflicts, disputes, which had taken place in our history, especially in the 20th century. After realizing all the catastrophes, problems, chaos and violence which were caused by nazi and fascist regimes, European countries decided to prevent similar things in future. So the 26th of June 1945 is the date of signing the statute of the Organization of United Nations by 50 countries. This event was like a push for making world more equal, fair, and humanness. In my opinion another important event was adoption of the Universal Declaration of Human Rights on the 10th of December 1948 which totally fixed general concepts of natural law and set priority of rights and freedoms over power of the state. Since that time Europe has become the centre of justice and law making. So Ukraine has much to learn in legal sphere from Europe.

Speaking about legal and law enforcement, we should underline that police forces in European countries is based primarily on prevention of crime, because crime is easier to prevent than to reveal.

Ukraine must urgently reform its police force because they can't do all their duties and functions completely. It should be noted that by the orders of the President of Ukraine it has been introduced an evaluation of the work of internal affairs organs under the new criteria, which are to eliminate wrong practice of artificial reduction of the number of registered applications and the reporting of crimes, hiding them from the account to create a mock prosperous indicators of operational service activities. The rules of law, defined in Art. 1 of the Constitution of Ukraine requires profound changes in social and political relations in a society that provides for the improvement of law enforcement as one of the guarantors to ensure successful implementation of these processes.

The development of theoretical and methodological foundations of internal affairs bodies of Ukraine, as well as issues related to increasing its efficiency, are devoted in the works of scientists: O. Bandurka, A. Vasylyeva, A. Komzyuka, O. Negodchenko, O. Ostapenko, V. Plishkina, A. Ryabchenko, V. Shkarupa and many others.

Scientists are exploring the efficiency of management in terms of its implementation mechanism that allows solving relevant problems. As practice shows, among the most important management problems that hinder performance and further development of the Ministry, the following items are included below:

- Inadequate organizational and functional mechanism;
- Ineffective planning and inspection activities of the Ministry;
- Lack of operating criteria of the police in combating crime and maintaining public order;

- Weak interaction between the departments of Ministry of Internal Affairs with other law enforcement agencies and public authorities;

- Inadequate training, retraining and further training of staff.

The need to increase the efficiency of the police is obvious, so, it has repeatedly been the object of reforms which are considered not to have produced the desired results. Thus the first stage of reforming process should achieve improvements in the functioning of the internal affairs of the most important areas of operational performance, primarily in the fight against crime and its prevention, and improving the state of public law and order throughout the state. The second stage should restore and maintain proper police prestige in society. In the third stage it is important to achieve the main goal of the reform and develop the bodies of internal affairs into the formation of a perfect system to bring it to European standards, which allows to protect the security of individuals, society and state from criminal encroachments, to feel a real improvement of public safety

The study of the history of law enforcement and the adoption of a positive experience in organizational structure and functioning of the police of foreign countries becomes especially important in order to identify ways of using it to reform the internal affairs of Ukraine taking into account the national peculiarities of our country. At the same time, the implementation of the specified process should not disagree with certain reforms, economic and political systems, as well as parliamentary, administrative, municipal and other components of the state and legal reform.

Today EU law enforcement can be divided into Members State police of each country and Europol. General law enforcement agency handles criminal intelligence. Its aim is to improve the effectiveness and co-operation between the component authorities of the Member States in preventing and combating all forms of serious international organized crime and terrorism. The mission of Europol is to make a significant contribution to the European Union's law enforcement action against organized crime and terrorism with an emphasis on targeting criminal organizations. But we should not to confuse Europol with Interpol. Interpol and Europol are structured differently and therefore provide different possibilities for international law enforcement co-operation. Interpol is a network of police agencies in countries worldwide when Europol supports the EU Members States. Interpol and Europol have different but related roles in the fight against organized crime and therefore there is no competition between the organizations. The level of crime in Europe is less than it was earlier and it is small in general comparison. I think that this thing is connected with the fact that European people live in relatively good and prosperous society. Everybody knows that crime appears in a poor and unfavorable society. So Ukraine has much to learn from its western neighbor and we hope that our country will repeat the success.

In our opinion, the improving process has been already started, first of all, with the reforming of the entire law enforcement and security sector of Ukraine on the basis of pre-coordinated concept. Criminal situation in the country, including organized and transnational crimes, racial, ethnic and inter-ethnic conflicts, religious and political extremism, uncontrolled migration, juvenile delinquency and lack of

coordinating bodies in this area of activity, illegal transplantation of human organs, environmental crisis and other events put before the police more complex and qualitatively new tasks. Thus, their inefficient solution directly affects the imperfection of current legislation.

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SEVEN STEPS TO START A BUSINESS

People are always asking for a list of fundamentals they can use to start their own businesses. From your business type to your business model to your physical location, there are so many variables it's not easy to come up with a list that will work "exactly so" for everybody.

The aim of the article is to describe seven steps to start your own business. The key, regardless of the type of business anyone is starting, is to be flexible!

The better is if you can enter a market you like and that you know well. As you get started, your business will likely dominate your life so make sure that what you're doing is stimulating and not dull. You're going to be in it for the long-haul.

You need to plan, set goals and above all, know yourself. What are your strengths? What are your weaknesses? How will these affect day-to-day operations? You could conduct a SWOT Analysis on yourself to figure this out.

For in-depth information on getting your business funded, see our complete guide on how to get your business funded, which includes detailed information on each of the above-mentioned funding options.

1. Conduct a personal evaluation.

We can agree with Sabrina Parsons "Know yourself, and work in a job that caters to your strengths. This knowledge will make you happier." [1]

Begin by taking stock of yourself and your situation:

- Why do you want to start a business? Is it money, freedom, creativity, or some other reason?
- What skills do you have?
- What industries do you know about?
- Would you want to provide a service or a product?
- What do you like to do?
- How much capital do you have to risk?
- Will it be a full-time or a part-time venture?

Your answers to these types of questions will help you narrow your focus.

This step is not supposed to dissuade you from starting your business. Rather, it's needed to get you thinking and planning. In order to start a successful business, passion alone isn't enough.

2. Analyze your industry.

It should be mentioned Tim Berry`s saying: "The more you know about your industry, the more advantage and protection you will have."[2]

As you've decided on a business that fits your goals and lifestyle, you need to evaluate your idea. Who will buy your product or service? Who will your competitors be? At this stage you also need to figure out how much money you will need to get started.

In order to identify how attractive your prospective market really is (your own desires aside for the moment), there are a few things you should consider:

How urgently do people need the thing you're selling or offering right now?

What's the market size like? Are there already a lot of people paying for this thing? For example, the demand for "traditional signwriting classes" is almost non-existent.

How easy is it (and how much will it cost you) to acquire a customer? If you're a lead generation business, this may require a significantly larger investment that is as it's said a coffee shop.

How much money and effort will it cost to deliver the value you would like to be offering?

How long will it take to get to market? A month? A year? Three years?

What size up-front investment will you need before you can begin?

Will your business continue to be relevant as time passes? A business that repairs exclusively iPhone 5 screens will only remain relevant so long as the iPhone 5 sticks around. If your business is only relevant for a specific period of time, you will also want to consider your future plans.

If you like, you can even take things a step further and consider the consumer needs currently not being met by businesses in the industry. This is a good time to take a look at potential competitors. And remember, the presence of competitors is oftentimes a good sign! It means that the market for your product or service already exists, so you know that from the outset, you're not flying entirely blind.

While you've got the time, learn as much as you can about your competitors, about what they provide to their customers, how they attract attention, and whether or not their customers are happy. If you can figure out what's missing before you even get started, your job will be made that much easier when you do finally set up shop.

3. Make it legal.

Realistically speaking, registering your business as a business is the first step toward making it real. However, as with the personal evaluation, take your time to get to know the pros and cons of different business formations. If at all possible, work with an attorney to iron out the details. This is not an area you want to get wrong.

You will also need to get the proper business licenses and permits. Depending upon the business, there may be city, county or state regulations as well as permits and licenses to deal with. This is also the time to check into any insurance you may need for the business and to find a good accountant. [3]

4. Start the planning process.

If you will be seeking outside financing, a business plan is a necessity. But, even if you are going to finance the venture yourself, a business plan will help you figure

out how much money you will need in order to get started; what needs to get done when, and where you are headed.

In the simplest terms, a business plan is a roadmap-something you will use to help you chart your progress and that will outline the things you need to do in order to goals.

While you will potentially use your business plan as part of your pitch to investors and banks, or use it to attract potential partners and board members, you will primarily use it to define your strategy, tactics, and specific activities for execution, including key dates, deadlines and budgets, and cash flow.

5. Get financed.

Depending on the size of your venture, you may need to seek financing from an "angel" or from a venture capital firm. Most small businesses begin with private financing from credit cards, personal loans, help from the family, and so on. As a rule, besides your start-up costs you should also have at least three months' worth of your family's budget in the bank.

6. Set up shop.

You've done it – or, just about. Your business plan has been laid out, the money is in the bank, and you're ready to go. You've got a long list of things you need to do:

Find a location. Negotiate leases. Buy inventory. Get the phones installed. Have stationery printed. Hire staff. Set your prices. Throw a grand opening party.

Each of these steps will need to be thought through carefully.

See Also: How to Choose a Business Location

Your marketing will set the stage for the future of your store. It will set expectations, generate hype (if done well), bring business in from day one and ensure that people know where you are and what they can expect from you.

Your store's layout, design and placement of your products will decide not only the overall atmosphere of the store, but what products people see and buy. Consider the areas you want well lit; how you will display products (if necessary); what various colors will make people feel, and how people will move through your store. There are reams of literature on why we buy what we do, all of it fascinating and much of it informative.[4]

7. Trial and error.

Whether you're starting your first or your third business, expect to make mistakes. This is natural and so long as you learn from them, also beneficial. If you do not make mistakes, you do not learn what to do less of and equally, what to do more of.

The great thing about owning your own business is that you get to decide what you want to do and what direction you want to grow in.

Conclusions

Answering these questions and asking many more about yourself and your abilities isn't necessarily going to ensure you're successful but it will get you thinking about your goals and about what motivates and inspires you. Use this time to make sure that you are matching the business you want to start to your personal aspirations.

Your “personal evaluation” was as much a reality check as a prompt to get you thinking. The same thing applies when it comes to researching your business and the industry you’d like to go into.

There are a number of ways you can do this, including performing general Google searches, going out and speaking to people already working in that industry, reading books by people from the industry, researching key people, reading relevant news sites and industry magazines and taking a class or two (if this is possible). If you don’t have time to perform the research or would like a second opinion, there are people you can go to for help, like government departments and your local SBDC.

“Our goals can only be reached through the plan, in which we must fervently believe, and upon which we must vigorously act. There is no other route to success”, – Pablo Picasso said.

Your business location will dictate the type of customer you attract, what types of promotions you can run, and how long it will take you to grow. While a great location won’t necessarily guarantee your success, a bad location will almost always guarantee failure. Be open-minded creative, and adaptable, look for opportunities, and above all, have fun!

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GENDER EQUALITY: EUROPE VS UKRAINE

Maya Angelou, who was an American poet, memoirist, actress and an important figure in the American Civil Rights Movement, said: “How important it is for us to recognize and celebrate our heroes and she-roes!”

Nowadays, we live in the times of rapid changes. Relationship between men and women also sustain changes. In society, declared rights and opportunities, regardless to the gender, are not really respected. Prejudiced treatment and gender inequality still exist and generally, women and men access to different social stages, like resources, privileges, prestige, power, is not equal. For today, the most violence experience women’s rights and opportunities.

Europe is seen as a leader in moving women’s rights forward, but just how far are European countries from putting men and women on an equal footing? Progress is particularly languid with regard to power and time.

In European countries men are still hugely over-represented in political and economic decision-making: more than 75% of parliamentarians and 84% of corporate board members are men.

At the same time, women's free time is limited, with an extremely wide gender gap in time spent on care work and educating children and grandchildren, as well as on cooking and housework. Besides, equality between women and men is one of the EU's "founding values".

But hard economic downturn in the EU has led to significant changes. This has driven disproportionate numbers of women into poverty, unemployment and precarious, low-paid jobs. This is not inevitable, but results from political choices made by male-dominated institutions. These choices have a worse impact on women than on men.

Despite the evidence that progress on gender equality in Europe has sluggish, the economic crisis is used to excuse a lack of political vision and the failure to bring in concrete support women's rights, representation and resources.

Equality between women and men will be an independent purpose. By and large, this new project will provide an opportunity for global, European and national feminist action.

To turn these goals into reality, we need more data of the quality provided by the gender equality proof. We all need evidence about inequality, the outcomes of political choices and programs, and the links between gender equality and wider social welfare. Also, there is a needof better communication to make this information more accessible to citizens, with more activism to raise awareness. Women should build feminist leadership and take on political and economic leadership roles.

In recent years, gender equality becomes an important trend in Ukraine. This question runs through all the problems of the present and is important in the life of each of us.

Integration of the Ukrainian state in the world community requires a rethinking of the role and place of women in society and their equal participation in all spheres of life, and particularly in politics. However, the current situation of men and women in society, the meaning and essence of gender stereotypes, prevalent in the population, the official gender policy give reason to believe that it will not happen soon.

For years feminists have argued that work life balance and the unequal division of labor in the home and with children is a family issue. Nothing has changed. This isn't to say that men are not involved, many of them are. But we need more than mengrudging participation – we need them to take active responsibility at work, where they can do more to fight for equal pay and against discrimination, but also at home.

Women, in their turn can cope with these problems tend to personal optimism, appropriate educational and professional level, family members and friends support.

What changes occur in a woman, in an era of radical transformation of society? The woman stopped complaining, she began to ask questions, however, it recognizes the right to be weak. Women part of society has just resigned and continues to live as it is.

Therefore, the Ukrainian wives now live pretty hard on her shoulders rests the burden of economic, social and other problems. The woman, a woman-mother, in the first place, needs a serious, comprehensive support by the state and public organizations. The interests of women have actively lobbied at the level of representative, executive and judicial organs of state power, in the media, in education and training.

The kind of change that these problems require - lasting change, change that is both systemic and personal – requires more than men's "support". Women did not choose to make less money, bias does that. Women did not choose to be the default care giver, socialization does that. Women did not create this problem – men did that.

Thus, changes in the status of Ukrainian women are possible only if a consistent state gender policy in the given field. In Europe we have the experience and know what works for gender equality. The time to act is now. We must commit, accelerate and invest in womenrights and finally achieve gender equality.

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LEGAL REGULATION OF PROTECTION OF THE RIGHTS OF REFUGEES AND PERSONS REQUIRING ADDITIONAL PROTECTION AND THEIR INTEGRATION IN UKRAINE

Everyone knows that Ukraine is a transit country to Europe for many countries of the Third world. Especially after the wars in South Asia, persons who need additional protection, come to Ukraine, to be able to live and function peacefully.

Today, in Ukraine, thanks to the State Migration Service of Ukraine, international organizations such as UNHCR, IOM, NGO «Right to Protection», «Rokada» conducted a large-scale and coordinated work on issues of social integration of refugees in Ukraine. Some organizations help in learning a foreign language to refugees, providing together with the State Migration Service of housing in special hostels [1].

However, all these issues are priority for statesmen, but what about individuals who received refugee status in Ukraine don`t know where realize them selves in a new

country? How do they integrate into Ukrainian society and generally be helpful and a State which adopted them? First of all, the person who received refugee status must understand that its status and their stay in the country provided by the Ukrainian Constitution, the UN Convention «On Status of Refugees», UN Convention «On Protection of Human Rights and Fundamental Freedoms», UN Convention «On the Rights of the Child», which stipulates mandatory application of the Ukrainian Parliament, the Law of Ukraine «On refugees and persons in need of additional or temporary protection» [2; 4].

There isn`t doubt that knowledge of language is an important argument for further integration of the entity in Ukraine. That's why, thanks to UNHCR, NGOs, a number of refugees have the opportunity to study the language free courses and obtain the appropriate certificates of language proficiency that will help them to find a job.

UNHCR provides grants for self-persons under his care. During the first half of 2015, UNHCR held one meeting of the Grants for self-sufficiency. It examined 60 applications, 17 of which were approving applications for payment 13 - to start their own business, and 4 - on the continuation or completion of education. General assistance was provided to 34 persons including family members of those who have received a grant [1].

According to part 1 of article 3 of the law of Ukraine "On refugees and persons requiring additional or temporary protection" [3], specifies that "Refugee or a person requiring additional protection or granted temporary protection can`t be expelled or forcibly returned to a country where their lives or freedom are threatened due to race, religion, nationality, citizenship (nationality), membership of a particular social group or political opinion...".Thus, this law regulates a number of provisions on recognition as a refugee or a person who requires additional protection, loss and deprivation of refugee status and additional protection; their rights and duties; powers of Executive authorities participating in solving these issues and international cooperation aimed at protecting the rights of refugees.

So, in Ukraine the basic and priorities and provide assistance on a continuous basis by such persons, which provides:

-forming the tolerant attitude to refugees and persons who need additional protection;

- training of specialists with Ukrainian as a foreign language, history, culture, state structure of Ukraine;

-training of health personnel to work with children, divorced with a family that has applied for recognition as refugee or person who needs additional protection;

- development of a network of temporary accommodation of refugees in the regions of their highest concentration;

- for single mothers and single pregnant women from among refugees and persons requiring additional protection, consultations to provide medical and legal assistance, the peculiarities of their social rehabilitation.

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FEATURES OF BRINGING LAWYERS TO DISCIPLINARY RESPONSIBILITY IN UKRAINE

The formation of Ukraine, as a democratic and legal country, is closely connected with the organization of an effective legal protection system. According to Constitution of Ukraine the advocacy acts to ensure the right to a defence against accusation and provide legal assistance in deciding cases in courts and other state bodies. Advocacy is an essential human rights protection institution of civil society and constitutional state [1].

Ukrainian advocacy is nongovernmental self-governing institution. This institution ensures the implementation of defence, representation and provision of other types of legal assistance in a professional manner.

Advocacy of Ukraine consists of all Ukrainian lawyers entitled to Legal practice.

Legal principles of organization and practice of advocacy in Ukraine are determined by the Law of Ukraine "About Advocacy and Legal Practice", which came into force on the 15th of August 2012 [3, c. 74].

Violation of legal discipline undermines the authority of the human rights institutions and sometimes makes the main task of this institution impossible to perform. The main task of advocacy is to promote the protection of rights, freedoms and representation of legitimate legal interests of individuals and legal entities. To lawyers, who violate the principles of advocacy, carelessly perform the obligations and treat with disrespect high moral professional principles, the disciplinary measures are punishment should be imposed.

The problem of existence of even a small amount of dishonest lawyers being able to let down the image of the legal profession in general raises the important issue of effective and fair consideration of complaints by lawyers. At the same time we cannot allow the other extreme: the legal profession should not become means of repression, including political [5, c. 215].

Qualifications and Disciplinary Commission of Advocacy is formed to determine the level of professional training of people intending to qualify to practice as lawyers and to resolve the issues concerning disciplinary responsibility of lawyers. Qualifications and Disciplinary Commission of Advocacy is controlled by a Conference of lawyers in the region.

Qualification and Disciplinary Commission of Advocacy operates within the Qualification and the Disciplinary Chambers. Qualification Chamber is to be composed of not more than ten members, Disciplinary – not more than eleven members.

The authority of the Qualification-Disciplinary Commission of Advocacy includes:

1. Organizing and conducting qualification examinations.
2. Making decision to issue Qualification Exam Certificate.
3. Making decision about suspension or termination of the right to lawyer activity.
4. Exercising disciplinary proceedings concerning lawyers.
5. Solving other issues, referred to the Qualification-Disciplinary Commission competence, of by Law, by decisions of the Conference of Advocates of region, Higher Qualification-Disciplinary Commission of the Bar, the Council of Advocates of Ukraine, the Congress of Advocates of Ukraine [4, c. 208].

Article 34 of the Law of Ukraine "On the Advocacy and Legal Practice" defines, that the ground for bringing the advocate to disciplinary responsibility is committing disciplining offense, namely:

1. Incompatibility of violation.
2. Violation of the Oath of Advocates of Ukraine.
3. Violation of legal ethics rules.
4. Disclosure of advocate confidentiality or actions leading to such disclosure.
5. Fail or improper performance of their professional duties.
6. Failure of decisions of the government advocacy.
7. Violation of other advocate's duties provided by law.

The right to initiate issues about disciplinary proceedings against an advocate belongs to everyone, who knows exact facts about advocate's misconduct that could be the basis for bringing advocate to justice.

To initiate the issue of bringing an advocate to disciplinary action is necessary to:

1. determine the advocates workplace indicated in the Unified Register of Advocates of Ukraine;

2. make application to the Chairman of the responsible Qualification-Disciplinary Commission of Advocacy which is elected according to advocates workplace address indicated in the Unified Register of Advocates of Ukraine;

3. send application (complaint) to the Qualification-Disciplinary Advocate Commission.

The disciplinary case against the advocate is considered Disciplinary Chamber of Qualification-Disciplinary Commission of Advocacy within thirty days from the date of violation.

According to the proceedings reviewing the disciplinary case results, the Disciplinary Chamber Qualification-Disciplinary Commission of Advocacy decides on bringing an advocate to disciplinary responsibility for the disciplinary offense commission and disciplinary penalty or to close the disciplinary case. The decision of the Disciplinary Chamber should be adopted by the majority vote of its total number, except of the decision to terminate the right to lawyer activity. This decision is taken by two-thirds of total composition.

The lawyer or the person, who initiate the question about disciplinary proceedings against a lawyer, may appeal the decision of the DC in a disciplinary case within thirty days from the date of its adoption. This person should apply to the High Qualification-Disciplinary Commission of the Bar or to the court. Appealing the decision is of no effect [2].

Disciplinary responsibility could be used as leverage to "insubordinate" lawyers who ignore the instructions of any person, whose needs contradict with the defendant or the judgment.

Creation of legal conditions is important in order to make the weight of disciplinary measures as means of influencing the lawyer impossible and decrease its role and the role of Advocacy in the process of justice.

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ECONOMIC EFFECTS OF FINANCIAL CRIME

The term “financial crime” covers a wide range of criminal offences which are generally international in nature. Closely connected to cybercrime, financial crimes are often committed via the Internet and have a major impact on the international banking and financial sectors, both official and alternative [2]. This kind of crime affects individuals, companies, organizations and even nations, and has a negative effect on the entire economic and social systems through the considerable loss of money incurred.

Over the last 30 years, financial crime has increasingly become of concern to governments throughout the world. This concern arises from a variety of issues because the consequences of financial crime vary in different contexts. It is today widely recognised that the prevalence of economically motivated crime in many societies is a substantial threat to the development of economies and their stability.

Financial crime is commonly considered as covering the following offences [1]:

- fraud;
- electronic crime;
- money laundering;
- terrorist financing;
- bribery and corruption;
- market abuse and insider dealing;
- information security.

Money laundering is a problem not only in the world's major financial markets and offshore centres, but also for emerging markets. Indeed, any country integrated into the international financial system is at risk. As emerging markets open their economies and financial sectors, they become increasingly viable targets for money laundering activity. Beyond doubt, money laundering has a negative impact on the economy, in particular [4: 35]:

1. Undermining the legitimate private sector.

One of the most serious microeconomic effects of money laundering is felt in the private sector. Money launderers often use front companies, which co-mingle the proceeds of illicit activity with legitimate funds, to hide the ill-gotten gains. In the United States, for example, organized crime has used pizza parlours to mask proceeds from heroin trafficking. These front companies have access to substantial illicit funds, allowing them to subsidize front company products and services at levels well below market rates.

2. Undermining the integrity of financial markets.

Financial institutions that rely on the proceeds of crime have additional challenges in adequately managing their assets, liabilities, and operations. For example, large sums of laundered money may arrive at a financial institution but then disappear suddenly, without notice, through wire transfers in response to non-market factors, such as law enforcement operations. This can result in liquidity problems and runs on banks.

3. Instability of currency exchange markets.

Money laundering can also adversely affect currencies and interest rates as launderers reinvest funds where their schemes are less likely to be detected, rather than where rates of return are higher. And money laundering can increase the threat of monetary instability due to the misallocation of resources from artificial distortions in asset and commodity prices.

4. Loss of revenue.

Money laundering diminishes government tax revenue and therefore indirectly harms honest taxpayers. It also makes government tax collection more difficult. This loss of revenue generally means higher tax rates than would normally be the case if the untaxed proceeds of crime were legitimate.

5. Economic distortion and instability.

Money launderers are not interested in profit generation from their investments but rather in protecting their proceeds. Thus they “invest” their funds in activities that are not necessarily economically beneficial to the country where the funds are located. Furthermore, to the extent that money laundering and financial crime redirect funds from sound investments to low-quality investments that hide their proceeds, economic growth can suffer. In some countries, for example, entire industries, such as construction and hotels, have been financed not because of actual demand, but because of the short-term interests of money launderers. When these industries no longer suit the money launderers, they abandon them, causing a collapse of these sectors and immense damage to economies that could ill afford these losses.

The British researcher Peter Storr considers cooperation to be the most important factor in the fight against financial crimes. According to his viewpoint, this cooperation should take place in the following areas: cooperation between law enforcement agencies at national level; cooperation between law enforcement agencies at the international and national levels; cooperation between banks internationally and nationally [3]. At the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, one form of effective cooperation was named the creation of joint police and banking databases of financial scams and physical entities that deal with "dirty" money [1]. Forming databases of profiles of fictitious companies, as well as applying software that would automatically recognize suspicious transactions would also do as an effective means of combating financial crime.

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HUMAN TRAFFICKING, AS ONE OF THE TYPES OF HUMAN RIGHTS VIOLATIONS

Human trafficking is one of the most dangerous global challenges and is a serious violation of fundamental human rights. According to various estimates, hundreds of thousands of people each year to be victimized.

Human trafficking means the implementation of the recruitment, transportation, transfer, harboring or receipt of persons by threat of force, its application or other forms of coercion, abduction, fraud, deception, abuse of power, vulnerability provision or the giving of payments or benefits to obtain consent of a person controlling another person [1].

In the world has a sufficient number of international organizations on the issues of human trafficking, for example, the international organization for migration. It works closely with governmental, intergovernmental and non-governmental partners for humane and orderly migration for the benefit of all [2].

Some myths about human trafficking.

1.It will not happen with me.

So usually consider successful people who have higher education, good jobs, prosperity. But facts convince us that the risk of getting into a situation of trafficking no one is immune. The modern slave traders have become a lot more inventive and started using more sophisticated recruitment methods.

Usually students say that come with the lectures, specialists of public organizations in combating human trafficking. Most of them aren`t aware of the fact that it`s young people from 18 to 25 years of age constitute a risk group, because they are the future graduates of colleges and universities will soon face the problem of employment, clinging to any opportunity to earn money.

2. Human trafficking is the trade exclusively young women, which are exclusively used in the sexual sphere.

There is a perception that victims of human traffickers usually are girls and young women. But many examples show that in the situation of trafficking can get men, children and even the elderly. Use them can in different fields: in industry, agriculture, etc.

Men account for approximately 24%, the number of people entering into slavery is a big enough indicator, because men are less likely to seek help than women: they consider themselves strong and able to protect themselves, so the first point "It will not happen with me" applies to them in the first place.

3. Friends and relatives can`t be involved in human trafficking.

Friends, relatives and acquaintances are those who you trust the most. Recently formed a new strategy of recruitment, when the person who worked for a time on the exploiter released on the condition that instead of itself it will lead two or three other employees. Intimidated victims return home and spend the kind of advertising campaign among your friends and distant relatives. According to statistics, 17% of the victims were sold into slavery by their own friends, partners or colleagues.

4. To prove the guilt and punish traffickers impossible.

Human trafficking is a criminal offence that in Ukraine, as in many countries, is punishable by imprisonment from 5 to 15 years with confiscation of property. And in some States, such as the United States and Canada, is life imprisonment [3].

In 2008 was instituted 322 criminal cases and rendered 83 judgments under Article 149 "Human trafficking or other illegal agreement on the transfer of rights" of the Criminal Code of Ukraine [4].

Despite the fact that the state takes measures to prevent and avoid the phenomenon of human trafficking, it continues to spread dramatically in the society, underlining the need for further scientific development and application of effective countermeasures at the international level.

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VILIAN CONTROL AS A DEVELOPMENT FACTOR OF CIVIL SOCIETY

Current trends of democracy development throughout the world are characterized by delegation of a wide terms of reference as to local problems from central authorities to municipalities which provides rapprochement between state and civil society. Having chosen the integration into European Communities as a priority area of state policy in the conditions of democratic processes development, public control research as one of directions to rise in living standards with the consideration of trends in globalization and modern approaches to government social policy formation and making is becoming topical. O. Andriiko, Y. Barabash, A. Vasina, S. Vitvitskii, S. Denysiuk, I. Zharovska, S. Kosinov, S. Kushnir, T. Nalyvaiko, S. Novikov, T. Panchenko, V. Pogorilko, I. Skvirskii, S. Tymchenko, S. Shestak and collegues have highlighted in their works principles of single aspects regarding civilian control exercise.

However, it must be attended that there is need in juridical literature for real guarantees formulation regarding exercise of power by Ukrainian people and civil control provision, in particular, is one of the most important guarantees of any democratic society formation.

World and national history has proved many times that the state tends to accretion of its power. The society needs that levers of “balance” exist. Disbalance between the state and civil society often leads to statism policy – excessive government intervention in community affairs, petty bureaucratic custody and public life regulation, restriction

of personal rights and freedoms [6, c. 49]. As S. Kosinov correctly said, any democratic constitutional framework is based on axiomatic belief that power must be separated, limited, accessible, predictable, effective and controlled [5, c. 249]. The process of civil society institualization in Ukraine is still continuing that demands enactment of considerable number of laws intended to ensure community participation in public and local authorities work control. To determine such legal constitutional category as civilian control, it is necessary to place focus on provisions of article 38 of Constitution of Ukraine – citizens have the right to participate in the administration of state affairs, in All-Ukrainian and local referendums, to freely elect and to be elected to bodies of state power and bodies of local self-government. In countries of European Community civilian control is considered as necessary and sometimes as obligatory groundwork for democracy. It is deemed to be one of the main ways to realize private individuals right to participation in public affairs management. In particular, European Charter of Local self-government specifies that the right of citizens to participation in public affairs management is one of democratic principles observed by all Council of Europe member states [1].

I. Skvirskii's commentary on the absence of holistic comprehension of nature, function and content of civilian control institution claims attention. Solution of current situation shall be done in both theoretical and practical orientations. In the former case, it is necessary to take the time to study foreign researchers' advances related to issues of civil society institute and public authorities interaction. In the later case, it is relevant to analyze current legal fundamentals on civilian control institution, which should be developed in special provisions [10,c. 502]. To establish effective mechanism of civilian control, to provide conditions for proper civil rights and freedoms realization in this field, an assumption regarding special Law On civilian control in Ukraine enactment is being made in scholarly literature [7; 8]. It is worth noticing that attempt to entrench civilian control directly in the Law of Ukraine was made by people's deputies A. Rakhanskyi and I. Sharovyi who in October 2004 presented the Verkhovna Rada of Ukraine bill on civilian control for consideration but that bill did not become law [9].

Concerning backgrounds of civilian control legal base formation one should remember about international (European) obligations taken by our country when becoming a member of such institutions as United Nations Organization, OSCE etc. [10, c. 504]. General declaration of Human Rights [2], Convention for the Protection of Human Rights and Fundamental freedoms [4], Convention on Access to Information, Public Participation in Decision-making and Access to justice in Environmental Matters [3] etc. are fundamental documents regarding organization and civilian control exercise which must be implemented into national legislation. The said international instruments providing provisions for individuals to be entitled to take part in mass meetings, right to association etc. show possibility and sometimes requirements for such control.

Thus, civilian control is an integral part of government control and local self-government in Ukraine and is also a key factor of civil society development. In spite of significant number of publications, science and theoretical interpretations of many aspects of civilian control, absence of systemic viewing of civilian control role while

decisions-making and their implementing processes, imperfection of current implementation mechanisms of interaction forms between the state and society in public management continue to be reasons for low efficiency of their application and enforcement. A special Law to lay the ground for the said institute has not been passed in Ukraine till now. Taking this into consideration attention of national authors should be fixed on improvement of primary legal fundamentals of civilian control institute, for instance, to fix its regulation in Law of Ukraine On civilian control.

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BURGLARY INVESTIGATION

Burglary is one of the most commonly encountered crimes investigated by police. Because the nature of the crime is so varied it is difficult to set down specific guidelines for its investigation. This article will clear out some of the aspects of crime

scene investigation that deal more specifically with the crime of burglary. The first officer to arrive at the burglary scene must be concerned with the suspect's location. In cases in which the burglary is in progress and the officer was called because of the presence of a prowler, silent alarm, or ringing burglar alarm, the first consideration must be to apprehend the suspect. Once the suspect has been located or a determination has been made that the suspect is not at the scene, the location must be secured. Then witnesses should be located and separated for interviewing at a later time. The crime scene search should be commenced. The officer conducting the crime scene investigation of a burglary should understand that most experienced burglars attempt to leave only a minimum amount of evidence at the location. The officer should also remember that it is impossible for the suspect not to change the crime scene in some small way by leaving traces behind or by picking up small items of evidence when leaving the scene. The officer must therefore collect evidence left behind by the suspect, e.g., fingerprints, shoe prints, tool marks, etc., and evidence from the suspect that may have been removed from the scene, e.g., glass fragments, paint chips, wooden splinters, etc. The investigator should also be aware of the modus operandi, or M.O., of the burglar. Frequently, a suspect may be responsible for a large number of burglaries in an area and similarities in the cases may enable the investigator to concentrate on one rather than a number of suspects. Thus, in some instances it may be useful to examine tool marks left at different crime scenes in order to determine whether the same tool was used.

The point of entry is an important location of physical evidence in burglary investigations. The experienced burglar attempts to gain entry by the easiest and safest available entrance.

Entry through Windows

Window entry is usually accomplished by breaking a hole through a pane and removing the broken glass to reach the latch. In order to minimize the noise from falling glass, the burglar may press a rag against the window; sometimes adhesive tape may be used. In some cases, the burglar may remove the entire windowpane by removing the putty holding the glass in place. It has even happened that the burglar has replaced the glass intact and put in new putty. Where a screen covers a window, a careful examination of the edges for any cuts may show fibres from the sleeve where the suspect's arm was inserted to open or break the window. Glass is one type of evidence often found on the suspect when a window was broken to gain entrance. When the window is broken it is almost unavoidable that some pieces of the flying glass will adhere to the suspect's clothing. The investigator should collect specimens of the broken window for possible comparison with glass found on the burglar's clothes and also search for any fingerprints present on the windowpane, as well as prints present in the window putty.

Entry through Doors

A burglar usually opens a door by using a pry bar to attack the door and jamb around the lock until the bolt can be pushed back or is actually freed from the striker plate. A door jamb is sometimes so weak that it may be spread apart far enough to free the bolt. This can be done by mere pressure from the body or by inserting a jack horizontally across the doorframe. The lock might also be made accessible through a

hole that is drilled, sawed, or broken in a door panel. Far too many doors are fitted with glass that is simply broken so that the lock may be reached. Other weak points are mail slots, the frame of which may be removed, and transoms that may have been left open. A common method of entry is to push back spring-loaded bolts by means of a knife. The knife is inserted between the door and the jamb and the bolt is gradually worked back. The bolt is kept from springing back by outward pressure on the door. This method is easily detected by the series of scratches that run lengthwise along the bolt. Burglary by this method is prevented by safety catches and deadbolt locks. Snap-lock bolts can also be opened by inserting a knife, spatula, or credit card pressed against the beveled face of the bolt and pushing it back. The instrument can be inserted between the door and the jamb or behind the molding on the jamb.

Entry through Basement Windows and Skylights

These windows are forced in the same manner as ordinary windows, but the investigator should pay special attention to the possibility that the burglar's clothes may have become torn and cloth fragments or fibres left behind. The officer should also take samples of the dust and dirt usually found in such places.

Entry through Roofs

The presence of convenient utility poles, ladders, and other aids, plus the concealment of the edge parapet, makes entry through flat roofs a favourite M.O. Many otherwise well protected stores have "tissue-paper" roofs. Building material may contaminate the clothing of any burglar using this technique. A careful search will also show signs of ropes for entry and exit. Most stores are equipped with roof ventilators and exhaust fans. Entry through the ventilating system may result in tool marks, fingerprints, and dust contamination of clothing.

Entry through Walls

Walls are broken by tools or by explosives. A brick wall is easily broken by a hammer and chisel or a sledgehammer. Burglars can be expected to become covered with dust during such an operation; samples of mortar and brick should be collected for comparisons. In blasting, a hole is usually chiselled between two bricks and the charge is inserted. Several small charges are normally used in order to avoid severe detonations and the possibility of the whole wall collapsing. Small hydraulic jacks may be used to force holes into a wall. In this operation, a narrow passageway is usually chosen where the base force can be distributed over a wide area by padding. After the initial hole is made, repeated thrusts are used to enlarge the hole sufficiently to gain an entry. When an empty or infrequently occupied store is adjacent to the target, plaster walls may be cut to a thin supporting layer and the entire section removed at once. Entry into vaults is usually accomplished through the walls, which are easier to force than the door. The walls are often constructed of reinforced concrete that can be broken by repeated blasting or by hammer and chisel and oxyacetylene torch.

Entry through Floors

This method of entry is often preferred in the case of warehouses or other buildings that have a crawl space underneath. The burglar usually drills or saws a hole in the floorboards large enough to crawl through. Entry through walls and floors

is also made when the criminal suspects or knows that the premises are protected by burglar alarms on doors and windows.

Detailed Examination of the Scene

Generally, the detailed examination of the crime scene proper should begin only after the surrounding areas have been searched. Failure to search the surrounding areas initially may result in the inadvertent destruction of evidence by sightseers as well as officers at the location. Approaches leading to and away from the scene should be examined for footprints, tire impressions, drag marks (such as those caused by a heavy object, e.g., a safe), and abandoned items such as tools, clothing, opened cash boxes, and so on. Obstacles leading to the building such as fences and gates should be examined for traces of blood, fabric and fibres, and tool marks. The number of suspects involved should be estimated from footprints when possible. Areas where a suspect had to crawl or climb should be examined for traces of clothing. Samples of building material and soil should be collected for comparative purposes. The location from which the burglar "staked out" the location or where a "lookout" was standing should be examined for footprints, cigarette butts, cigarette package wrappers, matches, and other such items. The point of entry should be examined for broken tools, tool marks, broken window glass, fibres, hair, blood, fingerprints, footprints, paint chips, wood, and other building materials. Known samples of materials should be collected. Photographs, measurements, and sketches should, as always, be made before any items are moved or collected. The examination of the interior of the burglarized premises must sometimes be carried out while taking into account the wishes of the owner. Business activities cannot be completely stopped. The investigator may allow the owner or manager to specify which area of the premises is available for searching first.

The investigator should carry out the inside crime scene investigation in the normal detailed and systematic way. Attention should be given to evidence such as fingerprints, footprints, broken tools, tool marks, blood, and any other evidence that will aid in the solution of the case. As the examination of various areas of the location is completed, the proprietor should be notified. If evidence is found that requires time-consuming recovery, the owner and other personnel should be asked to stay out of the area until the examination is complete. A complete inventory of all items missing should be obtained from the owner, as well as a complete description of the items, including brand names, labels, markings, serial numbers, size, shape, colour, and value. This facilitates identification of the stolen property in the event the items are recovered.

An apprehended suspect should be thoroughly searched. Cuts and scratches should be noted. The clothing should be collected for examination for tears and building material that can place the suspect in contact with the crime scene. The suspect's vehicle should be searched for stolen property, burglary tools, and any other items of physical evidence. The investigator should remember that in some instances a search warrant might be necessary before the vehicle may be completely searched.

The investigator should attempt to form a picture of the whole crime scene in order to estimate whether or not the burglar was familiar with the premises. If the burglar removed valuables from a rather unlikely location without disturbing the rest

of the scene or if keys that were hidden were used, the officer might infer that the suspect was familiar with the location. The investigator should try to make a determination about the type of person being sought. Was the burglary the work of a professional burglar? Was the crime simply a case of vandalism involving juveniles? Was anything unusual left at the scene such as faeces, which might point to a suspect with a history of sex-related crimes? Answers to these questions, information obtained from interviews, and physical evidence examination will prove useful in the overall investigation.

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PREVENTION OF CYBERCRIME IN UKRAINE

The development of Internet has led to the appearance of a new type of crime, the cybercrime, which has serious and sometimes irreversible consequences. This type of crime takes place in the virtual space or cyberspace usually defined as information space, which contains information on people, objects, facts, events, phenomena and processes represented in mathematical, symbolic or any other form. The latter are moving and interacting in local and global computer networks and the information is being stored in the memory of any physical or virtual devices [3: 6-7].

Unlike traditional types of crime with a history of centuries, such as murder or theft, the phenomenon of cybercrime is relatively new, having emerged with the advent of the Internet. The nature of the Internet is quite favourable for committing crimes. The World Wide Web is global, it has no state borders, it reaches a wide audience and allows the anonymity of users, in a way that all these characteristics favour the cybercriminals and contribute to their successful evasion from the police [2: 17].

Cybercrime is regulated in Ukraine by the Convention on Cybercrime, the Law of Ukraine "On ratification of the Convention on Cybercrime," The Criminal Code of Ukraine. The above mentioned legal documents define it as a socially dangerous act, committed with the use of computer technologies and / or of the Internet [2: 16].

The financial sector, namely banks and their services are among the most vulnerable to cybercrime areas of public life. The rise in popularity of Internet banking encourages fraudsters to invent every time more sophisticated methods of appropriation of other people's money.

The most common kind of crime in the banking sector is fraud with payment cards and fraud in remote banking (the so called system "Client-Bank"). The average rate of this particular kind of crime is up to 0,06–0,08% in EU countries, while in Ukraine in 2011-2012 it reached 0, 045% of all transactions with payment cards [1: 33]. Although experts explain these lower figures as the result of tight cooperation between law enforcement and banks to fight cybercrime, we suggest to keep in mind the fact that the majority of Ukrainians do not trust their money to financial institutions since the economic crisis of 2009, and yet many people immediately withdraw the money once their salaries were transferred onto their accounts.

During 2015 in Ukraine there were recorded 139 cases of fraud with "Client Bank system" totalling $ 116 million UAH, but 75% of these funds were returned to the victims. In general, according to the official data of the National Bank of Ukraine, the total number of fraudulent transactions last year increased by 47% and the amount of the loss by 20%. In 2015, 40% of Ukrainian banks suffered from cybercrimes. In early 2014 14 cases of cybercrime were identified totalling 20 million UAH, and88% of the sum was returned after successful investigation. According to the National Bank of Ukraine, in 2011 the number of illegal transactions with payment cards of Ukrainian banks increased to 7.6 thousand in comparison with 2.9 thousand in 2010, and the volume of improper cancellation of funds increased by almost a half, reaching 9.1 million UAH [1: 33-34].

We are convinced that the protection from cybercrime is mostly the responsibility of the citizens who are often thoughtless and careless about electronic payments and their personal data. Personal information one provides to a bank, like name, mobile phone number, email address, etc., is the most sought after by the delinquents. The data are usually sold on the black market, and later used for mailing, SMS, spam, phone calls advertising. These data are often intercepted in public places with public Wi-Fi access while using email or social networks. In this case, experts advise to use data protection offered by mail servers or social networks.

Regarding the banking sector, we share the opinion of the British researcher C. Samuel about the importance of following a few simple rules to ensure the use of payment cards [4: 157]. First, do not give your plastic card into the hands of other people, even to waiters in the restaurant, because they can rewrite your card number or take a photo of it and then use it for illegal purposes. Next, never keep your PIN-code together with the card, it is better to memorize this information, as well as it is advised to change the PIN-code from time to time. If you noticed a suspicious device in an ATM or beside it, you should immediately call the bank and notify the employee; the same if your card got stuck in the ATM, block it immediately. Specialists in IT-security recommend covering with your hand the digits of the code you are typing as criminals could have installed a video camera alongside the ATM. Among other organizational measures, it is proposed to use the services of SMS information and set a limit on the use of funds as well as to provide the bank with your phone number by

which you can be quickly and easily contacted. If the bank notices an unusual for you transaction or an excessive use of funds, you will be called and asked whether it was you who performed these actions. If not, the card can be blocked, and your funds will remain safe in the account. In case of using Internet banking, purchase a reliable antivirus program and remember to upgrade it.

Since no state can protect itself by taking action only on the national level, in order to fight cybercrime it is necessary: to harmonize the criminal law on cybercrime internationally; to develop at the international level and to implement into the national law the procedural standards which will enable to effectively investigate crimes in global information networks, and will facilitate receiving, examining and presenting electronic evidence taking into account cross-border issues; to cooperate with law enforcement agencies in the investigation of cybercrime at the operational level; to elaborate a mechanism for resolving jurisdictional issues in cyberspace.

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THE RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE IN THE DECISIONS OF THE EUROPEAN COURT OF HUMAN RIGHTS TOWARDS UKRAINE

Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms contains a provision according to which everyone has the right to respect for his private and family life, his home and correspondence. Under part 2 of this article, there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

This article clearly provides a right to be free of unlawful searches, but the Court has given the protection for "private and family life" that this article provides a broad interpretation, taking for instance that prohibition of private consensual homosexual acts violates this article. This may be compared to the jurisprudence of the United States Supreme Court, which has also adopted a somewhat broad interpretation of the

right to privacy. Furthermore, Article 8 sometimes comprises positive obligations: whereas classical human rights are formulated as prohibiting a state from interfering with rights, and thus *not* to do something (e.g. not to separate a family under family life protection), the effective enjoyment of such rights may also include an obligation for the state to become active, and to *do* something (e.g. to enforce access for a divorced father to his child).

Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms protects four kinds of interests: private life, family life, home and correspondence.

The concept of "private life" found its reflection in the practice of the Court. The Court proved that it would be wrong to restrict the concept of private life by "inner world" and completely exclude external relations of a person from the content of this concept. Therefore, the content of the concept of "private life" covers both physical and moral sides of the life of the individual. Such respect for private life concerns the right of the individual to engage and develop relationships with other people and with the outside world, the right to self-identification. Thus, the Court expanded the concept of privacy in comparison with its content in the Anglo-American concept of privacy, which emphasized the secret information about the identity and the right to privacy.

In accordance with the practice of the Court, there are no reasons to exclude activities of a professional or business nature from Article 8 of the Convention. In the case of "Niemietz v. Germany" (16.12.1992) the Court explained that the respect for private life should also include the right to establish and develop relationships with other people. "The notion of "private life" should [not] be taken to exclude activities of a professional or business nature." Even if the interference had a legitimate aim, namely preventing crime and protecting others, it was not proportionate to the aims claimed because "the search impinged on professional secrecy to an extent that appears disproportionate in the circumstances."

Article 8 protects moral and physical integrity of a person because the impact on the physical or moral integrity (including physical abuse, disciplinary and corporal punishment) can have negative effects on the private life of the individual. Besides that interference in private life covers compulsory medical examinations, irrespective of their measure and nature: the compulsion to give blood and urine tests for drug use or alcohol; DNA analysis for establishing paternity; mandatory vaccination, examination of the teeth or radiography. In the decision of the case "Fyodorov and Fyodorova v Ukraine" (07.07.2011) the Court established that a psychiatric examination of a person against his/her will and contrary to law could be considered the interference in private life.

The notion of "private life" also coves the name, gender, sexual orientation and even the style of clothing.

The concept of "family life". The notion of family life is multi-sided in the practice of the Court; it has changed with the development of medical technologies, migration of population.

Ensuring the right to respect for family life, Article 8 of the Convention provides for the existence of the family. The concept of the family doesn't concern only the family, established in accordance with the law, but it deals with the relations between

members of a group of people who are determined as a civil marriage or a marriage in fact. Sham marriage isn't protected by Article 8 of the Convention.

Determining the availability of family life in a particular situation, the Court investigates the following circumstances: whether the couple lives together and how long; has common children, children born out of wedlock, or other proof of their reciprocal obligations.

The concept of the family covers the relationship between a person and his or her child, legitimate or biological, even in the absence of cohabitation with her. The existence of family life shows blood relationship of people who have personal relationships. A basic element of family life is carrying out parental rights.

States have the right to apply the presumption of paternity, because the interests of the child and his/her family are taken into consideration, but not the interests of the applicant, who seeks to establish a biological fact.

Many issues concerning respect for family life arise in cases of custody of minors. Transfer of a child under guardianship of bodies of public authority cannot stop natural family relations. Although the Court admits the fact that states have broad freedom of discretion concerning the determination of the need to give a child under the guardianship of the state.

Family life is a matter of fact, based on the existing practice of close personal relationships. Therefore, the notion of family life involves relations between immediate relatives, such as between brothers or sisters, between grandparents and grandchildren, grandmothers, if such relationships play a significant role in family life.

Secrecy of correspondence provides for the right to uncensored and continuous relationship of a person with all other subjects to ensure a private and family life. The notion of correspondence relates not only to your correspondence, but your phone calls, telex messages, e-mail messages.

The privacy of the correspondence of a letter sender ends at the moment of an addressee's receiving. It also concerns phone conversations.

The issues of compliance with the requirements of Article 8 of the Convention arise when we control over the correspondence of persons serving a sentence of imprisonment, or patients in psychiatric institutions with lawyers representing their interests. However, the actions to validate such correspondence should not have purposes other than a legitimate aim – to provide order in places of imprisonment.

The right to respect for home is protected by Article 8 of the Convention because in his dwelling place a person carries out things covered by the concepts of private and family life. Under Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms the concept of "home" is determined as a place of permanent residence of the individual. It covers not only the place where the person resides regardless of the form and the legal grounds for such accommodation, but also a place of work, business or commercial premises. The Court proved that it was not always possible to distinguish between housing and office because people could do their professional or business work at home, and on the contrary, you could perform not only professional activities in the office or in official or commercial premises (decision of the Court in the case of Niemietz v. Germany of 16.12.1992).

Respect to housing means more than the inviolability of home life and it includes physical security of home and property. The notion of housing doesn't include land, where a person is planning to build a house, or the territory of the country where a person was born and lives now. If a house was built on his own land without a building permit, it was considered housing (judgment in case Buckley v. the United Kingdom of 25.09.1996), because in many cases, whether the property is regarded as a "dwelling", there is a matter of fact and it doesn't depend on the legitimacy of the use of it by the national law.

In the decision of the case of "Akdivar and Others v. Turkey" (16.09.1996) the Court added another feature to the content of the notion of housing: under Article 8 of the Convention housing is defended on being attacked by the state or the intentional destruction of its representatives.

Article 8 guarantees the right to respect for private life, family life, home and correspondence. Its scope is very broad; it extends to many areas of life and has an impact on different legal fields reaching from family law to criminal law.

Analysis of the decisions of the European Court of human rights against Ukraine under Article 8 of the Convention concerning the right to respect for private and family life gives reasons to believe that Ukraine violated all aspects of this right.

There is a problem of translation of judicial decisions in the Ukrainian language. Ukraine is obliged to actively employ certain measures with a view to ensuring that the Convention rights become effective. Measures which the state has to take to meet its positive obligations may include, (but are not limited to): passing legislation in order to ensure the enjoyment of rights guaranteed in the Convention, conducting effective investigations in cases of alleged violations of human rights or ensuring that factual conditions for exercising rights are met.

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FIVE SUCCESSFUL POLICE REFORMS

The history of law enforcement in different countries includes many efforts at police reform. Early efforts at police reform often involve external commissions that spelled out reforms but left to the police to implement them, and quite often with limited success.

Today the objective of Ukrainian police reforms is a series of decisions that would lead to important changes in policing, with respect to civil rights and constitutional law. The implementation of new approaches in the sphere of the internal affairs authorities, the construction of a qualitatively new model according to the standards, principles and rules made by the international community are the most important and urgent tasks for our community. An essential theoretical and practical value in this way has the experience of law enforcement agencies of other countries, knowledge of the events, trends and patterns that determine the current state and prospects of control police units.

Foreign countries have already got significant experience in training police service. Organization of activities to ensure public order, public security, fighting against crime in all its forms in each country has its own specifics and peculiarities.

The greatest examples of successful police reform were enforced in the USA, Georgia, Czech Republic, Japan and Poland. It is of great importance that each of these countries had to reform its law enforcement agencies in period of profound social upheaval and transformation. Each of these positive experiences would be valuable for the Ukrainian reforms.

Some law enforcement agencies in **the United States** in the early 2000s and 2010s began to emphasize de-escalation as a method of conflict resolution and obtaining voluntary compliance. There are also emphases on community policing to build relationships and community trust in law enforcement; the evidence-based policing approach of using of data to assist with decision-making; and the importance of civilian oversight of police work. In the USA the population is greatly involved in the police work. Along with the official police the streets are patrolled by voluntary police. They are supplied with the uniform and the patrol car. It is believed that this technique blurs the psychological barrier between police and citizens. The USA police are characterized by a strict professional selection of its officers. To become a police officer, you must meet certain requirements - in particular, have crystal-clear biography and graduate from Police Academy.

A number of civilian control bodies have been created, whose activities are funded from local budgets. They investigate complaints to the police.

The Result. In 2008, according to the national polls, 73 % of USA residents trusted the police.

In Georgia streets were equipped with cameras. The Objectives of Patrol police are beyond of traffic police, in its run is not only the maintenance of order on the roads, but also to respond to any emergency situation. Selection of detectives and investigators was not less stringent than patrolling; positions retained only 5% of police officials. All employees of the Criminal Police had additional three-month training at the police academy. The salary of police officers increased in ten. A special "service of provocateurs" was created to offer police officers a bribe. It was settled to enhance radically penalties for corruption: for a bribe of $ 50 patrol police will be imprisoned for 10 years.

The Result. According to the survey, in 2011, 87% of Georgia residents trusted the police.

Czech Republic established municipal police subordinated to mayors but it does not have much power. Most municipal police maintain law and order on the streets and transport. Municipal police inspectors have no right to arrest or conduct an investigation. The mass lustrations were held. The young professionals who have been trained in police schools abroad changed the dismissed officers. One key characteristic of Czech police is constant rotation of personnel - policemen do not stay in one place for service for a long term. The increased salaries significantly improved the fulfillment of the police duties and attitude to their work.

The Result. According to experts, the Czech police decentralization is one of the most successful in the former Soviet Union. The level of confidence to the police increased to 58%.

In **Poland** psychologists work with future police officers, teach them professionally and respectfully work and cooperate with people. Basic training for ordinary employees lasts for 6.5 months. For promotion police personnel must have a record of at least three years of work patrolling the streets.

Corruption connected with hiring new police officers reduced to zero due to the complex and multi-stage selective process. In the process of recruitment 6-7 agencies are involved. Candidate is assigned with a bar code, his name rests unknown that precludes fraud. The competitor must go through several stages of selection: assessment of documents, checking for violations, testing physical and psychological condition, etc. Polish police system is characterized by strengthened public control: citizens may come to the police station at any moment and check the condition of pretrial detention or how they treat people there.

The Result. In 2009, the level of confidence in the police in Poland was 72%. Higher than police in this rating were Polish army - 73%, and public television - 85%. Poles trust the parliament, the government and the church less than the police.

Today **Japan's** police system is based on a network of offices located in every prefecture (Tokyo City Administration is special) that has broad operational powers, but fully accountable to the National Police Department. Police prefectures ensure objectivity of patrolling, road safety, and the work of the criminal police. Prefecture is divided into districts with established police departments, subordinate headquarters. In general, the country has about 1,250 such "regional departments". The number of patrol was increased to 40% of all police officers.

In 1981, the Code of Ethics of Police was adopted: it was designed in the spirit of the samurai code of honor Bushydo. The quality of Japanese police controlled by the National Commission of Public Safety is one of the highest in the world.

Active bribery is punished severely as well as the adoption of an official bribe – that is punished by hard labor up to three years or a fine. The registration system of persons who were charged with involvement in organized crime and corruption has been created as well.

The Result. Japanese police system, even as a centralized, for decades keeps efficiency. The percent of disclosure of murders (96-97%) in Japan is the highest in the world.

Therefore, Ukraine should analyze foreign experience of reforms and implement its own police system in Ukraine that would not just change the name "militia" to

"police" but would adjust to public life. If we want to create strong, effective police officers we have to increase firearms training and defensive tactics training. Ukrainian police officers should gain the confidence that they don't need to behave in an intimidating manner. When someone has confidence, that helps deescalate as well. On the other hand we mustn't be too focused on the boot camp method of training, because it detracts away from our ability to train officers to be critical thinkers.

The important factor of reform changes is the determination of police not as the government representative but as the representative of public interests to the government. We hope that Ukraine will join the list of countries with successful reforms in law enforcement soon. And we, as young specialists, will try to do our best for this purpose.

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LEGAL ADMINISTRATIVE MEASURES TO PREVENT CORRUPTION

The problem of fighting against corruption is global and requires law enforcement agencies of Ukraine, which are designed to combat this negative social phenomenon, effective and uncompromising steps.

Corruption of the state legislative bodies, various branches of power extremely negative affects all aspects of social life, especially the activities of political institutions, the state of economic reforms, legal and social protection of citizens, public trust in the government. Corruption is a major obstacle to overcome organized crime in the country.

According to chapter 13-A "Administrative corruption offenses" of Code of Ukraine on Administrative Offences such offenses considered as corruption:

- Violation of the restrictions on the use of official position (Article 172-2);
- Offering or giving of an undue benefit (Article 172-3);
- Violation of financial control (Article 172-6);
- Unauthorized use of information that was known person in connection with official duties (Article 172-8);
- Failure to take action to counter corruption (Article 172-9).

According to Art. 255 of Administrative Code of Ukraine on administrative offenses under articles 172-2-172-9 the authorized officials of the Security Service of Ukraine have the right to draw up reports on violations of law.

Accordingly, in order to prevent the commission of corruption offenses administrative bodies of the Security Service of Ukraine have the opportunity to apply the full range of overt and covert preventive measures.

Exploring the Law of Ukraine "On Prevention of Corruption" terms "corruption" and "corruption offense", it should be noted that the first of them is the content of the second, because the definition of "corruption offense" is a reference to signs of corruption.

According to Art. 1 of the Law recognizes acts of corruption, if it is:

- intentional;
- contains signs of corruption;
- committed by a certain subject - a person referred in Art. 3 of the Law;
- it established a certain type of legal liability by law - criminal, administrative, civil and disciplinary.

A new anti-corruption legislation actually increases the liability for corruption offenses and directs the efforts of specially authorized subjects in combating primarily on identifying, exposing and termination of corruption.

Precautionary measures are effective in preventing and combating corruption and are defined as a set of measures of official state bodies influence, and in the case of delegation of authority and the relevant NGOs regarding individuals, legal entities regardless of the will and desire of the latter, as a moral, personal, property and organizational restrictions of their rights and freedoms, legal interests to prevent unlawful acts as any, and specific individuals, law enforcement under any circumstances. Activities of this group depending on the material and procedural characteristics of preventive measures are divided into general and special character.

Depending on the purpose of the administrative and precautionary measures to prevent corruption may be divided into general, special and directly preventive.

General measures of a preventive nature aimed at ensuring the proper functioning of the apparatus of state power under the law, which makes it possible to narrow the scope of free discretion for official making a decision, minimizing corruption risks. By administrative nature general preventive measures should also include procedures for competitive selection, validation, and rotation rate.

Under the competition for the vacant post of public servant should understand the specific procedure for selecting personnel, which is prepared by personnel division of state agency and consist in competitive compared qualities of candidates, which is made in accordance with the decision of the tender committee. The main objective of this measure is an administrative warning: equal opportunities in Ukraine ensuring the right to public service; Selection of candidates whose knowledge, moral and professional qualities and intellectual abilities more fully meet the requirements of the post. There is a question in order to ensure transparency and openness of personnel appointment procedure for the vacant post of public servant of preventing nepotism and protectionism. Achieving these goals is largely prevention of corruption.

The next general preventive organizational measure is certification of public servants. Under it understands inspection of business qualifications of public servant to determine the level of his professional training and compliance with position or office that is replaced by him, and to address the possibility of assigning the appropriate qualification level (title, category, rank). The main goal of the event is to improve administrative warning of the public body on the selection, placement and training of civil servants, to ascertain their level of training, to improve their performance. The certification helps to ensure the transparency of personnel changes in the state body that helps prevent corruption.

Preventive character measures contained in a special anti-corruption legislation, namely the Law of Ukraine "On Prevention of Corruption". The preamble of the Act declares that it defines the legal and organizational basis for preventing corruption. At the same time Section II of the Act contains articles on measures aimed at preventing and combating corruption.

State employee or other person authorized to perform state has no right: to promote using his official position, for physical and legal entities in their business activities, as well as in obtaining subsidies, subventions, grants, loans or benefits of purpose of illegal obtaining material goods, services, privileges or other advantages; do business directly or through intermediaries or nominees, act as an agent for third party public body in which it operates, and perform the work under the conditions (except for scientific, teaching and creative activities and medical practice); enter himself (except when public employee exercises the functions of management shares (shares) owned by the state and represents the state on the board of the company (supervisory board) or Audit Commission of the economic society), through a representative or nominees to the Board or other executive bodies of enterprises, financial institutions, commercial companies, etc., organizations, unions, associations, cooperatives are established; deny individuals and legal entities in the information provided for in the regulations, deliberately delay it, to provide false or incomplete information.

A public servant who is an official, also has no right; promote, using his official position, individuals and legal entities in their foreign trade, banking credit and other illegal activities to obtain material benefits, services, privileges or other advantages; unlawfully interfere using his official position, in the activities of other government agencies or officials to impede the execution of their duties; act as an agent for third party public body the activities of which he controls; provide undue advantages to persons or entities in the preparation and adoption of regulations or decisions.

Creating conditions under which corruption doings would be impossible involves transparency property of a person who appears to require the candidate to the post of civil servant to declare their property status and income. Measures concerning the financial control of civil servants provided by the legislation of many countries, by a number of international legal documents.

Article 45 of the Law of Ukraine "On Prevention of Corruption" the responsibility of the person who claims the positions of civil servants third - seventh categories apply for future service certificate of the tax authority filed a declaration of property and income, including abroad, about themselves and their family members.

The candidates for the positions of civil servant first and second categories should also submit appropriate information about them and members of their family's real estate and valuable movable property, bank deposits and securities. Persons applying for positions of civil servants and state employees provide information on income, financial liabilities and their property under Art. 13 of the Law of Ukraine "On civil service" in the form of a declaration.

This provision is intended to help ensure that civil servants perform their duties in the interests of public service, not personal interests and those of their family members. The presence of the officer or members of his family property acquired with funds which are the source of great enrichment from sources provided by law, is an indicator of corruption.

The complexity of the problem of fighting corruption is the real possibility of corrupt structures and specific persons who have power and authority hinder efforts to penetrate the scope of their criminal activity, as well as the unwillingness of law enforcement and political forces of society to the uncompromising fight against corruption.

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CRIME PROBLEMS

Crime is a serious issue that affects everyone in society. It affects the victims, perpetrators and their families. Crime has increased drastically within the last decade. More prisons are being built around the world because there is not enough room to hold inmates. The government has made an attempt to reduce crime by funding programs such as prevention and intervention for youth at risk, as well as rehabilitation for prisoners that will be released. Some argue that criminal behavior is due to environment, others believe that it is genetic, and yet others think that it has to do with personality. If there were certain personality traits that could be identified with potential criminal behavior, steps could be taken to try to reduce or diminish the "criminal personality". Although personality is not the only factor in criminal behavior, there does seem to be a strong association between the both. Alfred Adler believed that children who failed to solve the vital problem of social interest-who lack cooperation and a desire for contributing to the well-being of others-will always meet significant problems later, during their adult years (Adler, 1998). This could include personality problems or criminal behavior.

Personality develops early in life. That is why early childhood aggression and antisocial behavior should be taken seriously. Being able to identify potential criminal behavior is vital for prevention and intervention. Childhood factors shown to relate to the development of antisocial behaviors include a difficult early temperament, low IQ, academic deficiencies and learning problems, lack of empathy,

underdeveloped social skills, and negative peer relations. (Sutton, Cowen, Crean, & Wyman, 1999). Environmental factors such as family structure and poverty are also associated with potential criminal behavior. The Federal Bureau of Investigation Report (1993) noted that one violent crime (e.g. aggravated assault, murder) was committed every 22 seconds in 1992, and 15% of those arrested for such crimes were under the age of 18 (Sutton, ete.al. 1999). Juvenile delinquency is becoming more common. The age at which these young kids are committing crimes is getting younger. The crimes they are committing are getting more serious. They are not only involved in vandalism and shop lifting like many people might assume, but they are involved in life threatening crimes such as assault and murder. According to the FBI, the number of arrests for youth 12 and younger, in 1996, was 250,000. For youth age 13 and 14, the number was 671,900; and youth age 15 and older accounted for 1,929,800 arrests (Federal Probation, 1996).

As mentioned earlier, being able to identify personality traits that tend to lead to delinquency is clearly one option to the reduction of crime. However, the problem is that many youth display similar negative behavior during adolescence. This includes negative attitude, different interests, and a need for privacy. The key is to be involved in the life of today's youth. Communicating with them, spending time with them and knowing what they are involved in is part of the process. According to Peace Research Abstracts Journal, (1999) helping youth find meaning in their lives often involves building connectedness-restoring relationships with others, with their sense of spirituality and with earth. Parents must also be aware of the warning signs and follow up on them. Warning signs in youth include showing lack of interest in family/school activities, truancy problems and poor school performance, signs of aggression, and negative peer relationships. When the parent acknowledges this behavior, the parent can takes steps to improve it, or at least stop it from getting worse. Individual counseling, and family therapy allows the family to learn how to deal with the youth's antisocial personality and possible delinquent behavior. A number of studies have addressed the question of general Therapeutic effectiveness and found psychotherapy capable of promoting lasting behavioral change (Walters, 1999). There are many individuals that with proper guidance will not become involved in crime. If antisocial behavior is not monitored and treated at an early age, this behavior can lead to a lifestyle of crime. Alfred Adler believed that children's problems begin in a child's ability to cooperate with society, feeling inferior and lack of a life goal. Adler looked at rehabilitation counseling, parenting skills development, family counseling, and classroom management in a child's life (Utay, 1996). Adler developed the Encouragement Model for people. The model serves a purpose of encouragement to promote and activate the social interest of an individual. It aims at giving an individual a sense of respect and confidence. According to Adler,"Those who are discouraged fail to operate on the useful side of life and seek to find belonging through neurotic symptoms" (Evans, T. 1997). The model encourages four characteristics: an adequate and positive view of the self, an adequate and positive view of others, an openness to experience, and a sense of belonging. (Evans,T. 1997). Adler believes that there is no magical cure, however he believes that we must first

understand the child, and then we can determine why he or she has failed to develop adequate social interest.

There are many factors that contribute to our personality. Although human personality and behavior is very complex, I think that with proper guidance and support children have the potential to be successful adults. Each child is unique and learns in different ways. Therefore, parents, teachers, and mentors must learn to reach children and youth. As members of society we must be aware of negative behavior and/or personality that could possibly lead to criminal behavior in the future. If we take responsibility for the youth of society as a whole, we will not only improve the life of that child, but we will improve the world we live in. The lack of connectedness that is portrayed by the delinquent youth can also be seen by the members of society. The attitude of, "That is not my kid, therefore that is not my problem" contributes to the criminal society that we live in. I believe that the prevention, intervention and rehabilitation programs are helpful, but I also think that parents have the power to prevent their child from engaging in such acts of crime. After all, a parent should know their child more than any other person in this world. Although, having an antisocial/aggressive personality does not necessarily guarantee that a child will become a criminal, I believe that taking the proper steps to insure the positive future for children is the best prevention method that a parent can use.

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THE CAPACITY OF INTERNATIONAL TREATIES

During the first years of its independence Ukraine attempted to take account of the new European world we were entering. What we were heading for was a world in which the geostrategic relationship was fundamentally altered with the end of the Soviet Union. We expected to see political integration and economic interdependence. We believed that this would tend to reduce conflict as states shared interests, and therefore would be unwilling to engage in violent struggle. In summer 1994 the new Ukrainian President Leonid Kuchma and Foreign Minister Gennadiy Udovenko got in earlier started process of negotiations about the rejection of the possession of nuclear weapons in exchange for security guarantees and certain compensation. 5 December 1994 Ukraine acceded to the Treaty on the non-proliferation of nuclear weapons (NPT). At that point, Ukraine held the third potential nuclear weapons in the world. By agreeing to give it up, Ukraine, in turn, demanded guarantees of their own security from "nuclear" countries. The result of these difficult negotiations has become a well-known memorandum.

The Budapest Memorandum on Security Assurances is a political agreement signed in Budapest, Hungary on 5 December 1994, providing security assurances by its signatories relating to Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons. The Memorandum was originally signed by three nuclear powers, the Russian Federation, the United States of America, and the United Kingdom. China and France gave somewhat weaker individual assurances in separate documents.

The memorandum included security assurances against threats or use of force against the territorial integrity or political independence of Ukraine as well as those of Belarus and Kazakhstan. As a result Ukraine gave up the world's third largest nuclear weapons stockpile between 1994 and 1996, of which Ukraine had physical though not operational control. The use of the weapons was dependent on Russian controlled electronic Permissive Action Links and the Russian command and control system.

According to the memorandum, Russia, the U.S., and the UK confirmed, in recognition of Ukraine becoming party to the Treaty on the Non-Proliferation of Nuclear Weapons and in effect abandoning its nuclear arsenal to Russia that they would:

1. Respect Ukrainian independence and sovereignty within its existing borders.
2. Refrain from the threat or use of force against Ukraine.
3. Refrain from using economic pressure on Ukraine in order to influence its politics.
4. Seek immediate United Nations Security Council action to provide assistance to Ukraine, "if Ukraine should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used".
5. Refrain from the use of nuclear arms against Ukraine.
6. Consult with one another if questions arise regarding these commitments.

The memorandum bundled together a set of assurances that Ukraine already held from the Conference on Security and Co-operation in Europe (CSCE) Final Act, United Nations Charter and Non-Proliferation Treaty. The Ukrainian government nevertheless found it politically valuable to have these assurances in a Ukraine-specific document.

China and France gave security assurances for Ukraine in separate documents. China's governmental statement of 4 December 1994 did not call for mandatory consultations if questions arose, just calling for "fair consultations". France's declaration of 5 December 1994 did not mention consultations.

Following the 2014 Crimean crisis, the U.S., Canada, the U.K., as well as the other countries all separately stated that Russian involvement is in breach of its obligations to Ukraine under the Budapest Memorandum, and in clear violation of Ukrainian sovereignty and territorial integrity. Russia, however, argued that the Budapest memorandum does not apply to the 2014 Crimean crisis because separation of Crimea was driven by an internal political and social-economic crisis. Russia initially claimed it was never under obligation to force any part of Ukraine's civilian population to stay in Ukraine against its will.

Therefore, the actions of the Russian Federation provide legal grounds for Ukraine to have recourse to its inherent right to individual or collective self-defense, as set out in Article 51 of the UN Charter. The Budapest Memorandum signatories

must take "practical steps to reaffirm their obligations, enshrined in the Memorandum, according to the principles of the CSCE (Conference on Security and Cooperation in Europe) Final Act, to respect Ukraine's independence, sovereignty and existing borders. The policy of the Russian Federation towards Ukraine is undermining the international legal framework, along with their bilateral relationship. It threatens the overall system of international law that has to be protected by international lawyers worldwide.

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ORGANIZED CRIME AS THE PHENOMENON OF ANTISOCIAL BEHAVIOR

Corruption and organized crime are among the main factors that really threatens the national safety and the constitutional order of Ukraine. They exercise a significant negative impact on various parts of our life: social and legal sphere, economics, politics and international relations.

On the first stage of our investigation we are to define the term criminality. Having studied the scientific literature [1, 2, 3] we consider, that the most full, exact and thorough definition is the next: criminality - relatively massive, historically changeable, social and penal phenomenon that represents a complete set of all crimes committed in a particular area over the definite period.

W. Ushapovskij indicates the next main features of criminality [5; 9]:

- relative mass (over time the number of committed crimes may increase or decrease);
- social conditionality (this phenomenon exists in society, there are certain social preconditions for the emergence of crime);
- historical variability (each historical era there was a criminality with a specific set of offenses that might be committed precisely at that historical stage of social development);

- criminal legal phenomenon (a set of criminally punishable acts).

On the other side V. H. Liholoba points out the next classification of the criminality [3; 412]:

- by territorial prevalence (local, regional, inter-regional, national, international);
- by motivation for the encroachment;
- by fixing stage (actual, declarative, registered, established by the court).

Certain indicators are inherent to criminality as a social phenomenon. These indicators are divided into quantitative (status, volume, level, coefficient, the dynamics of crime) and quality (structure, character, price, latency).

The concept of "organized crime" firmly established in the scientific terminology in the second half of the 80s. This category correlating to our society in literature and the media has not been used before. Official recognition of the phenomenon of organized crime was in the period between 1984 and 1989 [2, 367]. At that time there was a rapid growth of the scope of this phenomenon, its elucidation in the media and wider scientific research of it.

Organized crime is a category of transnational, national, or local groupings of highly centralized enterprises run by criminals and dominant minority who intend to engage in illegal activity, most commonly for money and profit [3, 432]. Some criminal organizations, such as terrorist groups, are politically motivated. Sometimes criminal organizations force people to do business with them, such as when a gang extorts money from shopkeepers for so-called "protection". Gangs may become disciplined enough to be considered organized. A criminal organization or gang can also be referred to as a mafia, mob, or crime syndicate; the network, subculture and community of criminals may be referred to as the underworld.

Organized crime in Ukraine is the result of the combined effect of various factors: economic, political, legal, administrative and psychological [3, 215].

Individual characteristics of organized crime are:

1) the creation of a criminal gang, which has a high level of self-control and which is hierarchical (pyramidal in most cases), on top of which is the leader and small group of people who make key decisions;

2) dimensional scope: It covers often entire regions or sectors of the economy, paralyzing the normal development of society;

3) corruption, as a way to interact with representatives of the state apparatus and law enforcement;

4) organized criminal group may exist for many years.

Investigating the crimes committed by the organized criminal groups, at first, we are to define the organizer, as the most important figure of this type of antisocial behavior. The term ***"organizer"*** is used to denote a person who "organizes, establishes, maintains or regulates something" [3, 209].

Analyzing the definition of “the organizer of the crime” in The Criminal Code of Ukraine (article 27) [1], we can identify the main features and forms of activity that are inherent to an organizer of criminal group, namely:

- the formation of organized criminal groups;
- management of an organized criminal group;

- organization of the offense;
- management of its preparation or commission;
- providing sponsorship to an organized criminal group;
- concealing criminal activity of organized criminal groups.

The crime is committed by an organized group, if its preparation or commission involves several people (three or more), previously organized in stable association to commit this and other crimes [2, 475]. These crimes are united by a common plan with distribution functions between the band aimed at achieving this plan known to all group members.

The presence of an organized group indicates a greater degree of cohesion accomplices. Consequently, during the classification in the first place there is participation in a group that commits an offense, not an individual role of each participant. Organized group is a collective executor of the crime, and each of its members are equal to the performer, irrespective of whether he/she personally commits a crime or performs other functions on the instructions of other members of an organized group. Therefore, each member of an organized group is responsible for all crimes committed by such a group in any of his participation, each participant is charged with common criminal result reached by the group.

All things considered, we chose this topic to emphasize the importance of combating organized crime and its danger to society. This type of criminal activity is much more dangerous than others, because it affects all areas of human activity, including politics and economy of the state. Organized crime is closely linked to corruption, which is used for interaction with public authorities as well. This is an actual problem nowadays. We believe that the state should strengthen special measures and develop a national program in order to overcome this kind of crime.

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COURT SYSTEM: SHOULD TRIALS BE OPEN OR TELEVISED?

Public trial or open trial is a trial open to public, as opposed to the secret trial. A public trial is a legal trial held in a court made open to members of the public. Anyone may enter such a trial and observe, assuming there is room in the court, and

people can follow information about trial proceedings in the media. In some cases, such trials may be broadcast if there is intense public interest and there are concerns about accommodating all the spectators. This is in contrast with a closed trial, where proceedings are open only to those involved.

The concept of a public trial is ancient, but it did not begin as a right belonging to a defendant in a criminal case. In the United States of America and in the former Soviet Union idea of open trials was widely discussed. For example, in the USA the Sixth Amendment to the United States Constitution establishes the right of the accused to a public trial, because the right to an open trial is personal to the defendant and may not be asserted by the media or the public in general.

There are many opinions on this subject. On the one hand, the appearance of public trials means additional abilities and many advantages. In this case, the public will be able to know all the details and intricacies of the judicial system. Moreover, the establishment of open trials is a chance to change the whole judicial system for the better. Indeed, our society deserves to be aware of all cases. People have to know the truth.

On the other hand, there are some disadvantages and difficulties. Nowadays and even in the past, the government did not consider it necessary to adopt new laws on introduction of open trials. Perhaps, they did not want public and media intervention in state affairs, such as television broadcasting, spreading information etc. They do not want that trials be televised.

Watching TV programes we get better informed about different spheres of life and vital problems in the world. So, people create positive or negative opinions of them. Some of them are of educational character and others are very cheap. We find TV channels addressing different audiences, those who want to make a career, who are interested in policy, business, sport, science, etc.

There is a rise of live coverage of trials on TV and there are debates of the effect they have both for ordinary people and those who deal with law or are going to be in legal profession. People make opinions on how our justice is done in our country. They become real participants of trials and imagine themselves in the role of judges, attorneys, witnesses, and prosecutors.

People express different arguments of the usefulness of such TV trials. Here are some arguments **"*For"*** *and* **"*Against".***

- **If the trials are truly to be public, then they should be televised.** Generally, members of the public are allowed to sit in the courtroom and observe the proceedings. Not everyone can go to the courthouse to view the trial. So, having the trial televised gives more people the opportunity to see the proceedings.
- **TV public trials ensure that justice is carried out.** One of the rights we are guaranteed in the Constitution is that of a public trial. What type of trial can be more public than on television? By having trials televised, we open up the justice process for the world to see. With the knowledge that people are watching, all participants will be encouraged to play their parts in the most responsible manner.
- **If the criminal trial is televised, I can better understand what a court case is like.** With the help of television we can see what happens during the trial. The most important aspect, obviously, is to be whether the suspect is guilty or not.

- Criminal trials give viewers an understanding of the justice system and the way courts work.

- It provides information about serious issues and circumstances.

- It shows the public and other people what happens when you commit certain crimes. Criminal trials deter youths away from crime. It will help to lower the crime rate. More individuals could see and understand the probable outcome of certain crimes, by learning about different kinds of punishments.

Arguments **"Against"**

- Many people think that any of the participants in a trial which is broadcast are aware they are being watched. It could change the behaviour of those involved in the case. Lawyers could be more concerned with celebrity, and so could judges. Televised trials can be turned into a "free-for-all" with people who want to get attention, and it takes away from the purpose of the trial which is to find a person guilty or innocent.

- Some people say that criminal trials are very serious matters and not something as entertainment for the masses. Broadcasting a trial on TV could endanger certain people who may prefer that their identity remain secret.

- It is strongly felt by many people that televising a trial cheapens the entire judicial system by making it a spectacle, and will open up the media to scrutinizing the defendant, the plaintiff/prosecutor and the facts of the case**.** A trial should be a controlled social situation to allow for fairness and justice, and if it becomes a TV show, there is no point in even doing it.

- There is an opinion that **people have a right to privacy.** If cameras are allowed inside courtrooms during court proceedings, then people's rights are not respected even they broke the law. It is wrong to televise a trial without the consensus for those involved in the case.

- I don't think criminal trials should be televised, because everyone is presumed innocent initially and it is up to the prosecutor to prove guilt, so these people are not criminals at the point of the trial, though a lot of people will assume so just because they are on trial. Also, when people see these people on TV, they will all think they are guilty.

- I think that the number of reporters in the courtroom itself should be limited at the first sign that their presence would disrupt the trial.

- The court should insulate prospective witnesses from the news media.

- The court should make some effort to control the release of leads, information and gossip to the press by proscribing extra-judicial statements by police, counsel for both sides, witnesses, and offices of the court.

- Finally, I think that TV court trials is a kind of practice for those who are going to devote themselves to legal profession and realize that it require much responsibilites and skills.

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SOME FACTS ABOUT TERRORISM NOWADAYS

Why do people resort to such violent acts as bombing, assassinations, and hi-jacking? How do individuals and organizations justify these acts of terror? These acts can be described as terrorist actions. Terrorism is a growing international problem. During the last twenty years, new terrorist groups have sprung up all over the world. Governments have had little success in their attempts to resolve issues in which terrorism is used.

A key point in discussing the terrorism is establishing a generally accepted definition. Terrorism can be described as the unlawful use of fear or force to achieve certain political, economic or social aims. Because it is so hard to define, organizations like the United Nations have great difficulties in drawing up policies against the terrorism.

Terrorist actions may be committed by a single individual, a certain group, or even governments. Most terrorists, unlike criminals, claim to be dedicated to higher causes, and do not believe in personal gain. The methods used in terrorism include threats, bombings, destruction of property, kidnapping, taking of hostages, executions, and assassinations [1].

It should be noted that terrorism, has caused around 130,000 fatalities worldwide between 2006 and 2015. Terrorism can be described as the wrongful use of violence in order to intimidate civilians or politicians for ideological, religious, or political reasons with no regard for public safety. The number of terrorist attacks was distressingly high due to the terrorist attacks by Al-Qaeda, the most notorious terrorist group, on the United States and the wars in the Middle East.

Terrorism does not only have a massive social impact on the world, but it also has a tremendous global economic impact. The costs of terrorist attacks by insured property losses have cost the insurance industry billions over the past decade [2].

It is worth mentioning the attack, which happened in France last year. On the evening of 13 November 2015, a series of coordinated attacks occurred in Paris and its northern suburb, Saint-Denis. Beginning at 21:20, three suicide bombers struck near the Stade de France in Saint-Denis, followed by suicide bombings and mass shootings at cafés, restaurants, and a concert hall in Paris. The attackers killed 130 people, including 89 at the Bataclan theatre, where they took hostages before engaging in a stand-off with police. There were 368 people who were wounded, 80–99 seriously. Seven of the attackers also died, while authorities continued to search for accomplices. The attacks were the deadliest on France since World War II, and the deadliest in the European Union since the Madrid train bombings in 2004. France

had been on high alert since the January 2015 attacks in Paris that killed 17 people, including civilians and police officers.

The Islamic State of Iraq and the Levant (ISIL) claimed responsibility for the attacks, saying that it was in retaliation for the French airstrikes on ISIL targets in Syria and Iraq. The President of France, François Hollande, said that the attacks were an act of war by ISIL planned in Syria, organised in Belgium, and perpetrated with French complicity. In response, a state of emergency was declared and temporary border checks were introduced. On 18 November, the suspected lead operative of the attacks, Abdelhamid Abaaoud, was killed in a police raid in Saint-Denis, along with at least two other people [3].

What about the terrorism in Ukraine in 2015? It should be mentioned Kharkiv bombing and Volnovakha bus attack. Kharkiv bombing occurred on 22 February 2015, when a bomb hit a Ukrainian national unity rally in the Ukrainian city of Kharkiv. The blast killed at least 3 people and injured another 10, including a boy age 15 and a policeman. On 25 February the death toll rose to 4. It is one of many bombings in the cities of Kharkiv and Odesa oblasts. Security forces arrested 4 people after the attack. More attacks happened in the city afterwards [4].

The Volnovakha bus attack was an attack on a highway checkpoint near the village of Buhas outside of the Volnovakha municipality in the Donetsk Oblast, on 13 January 2015. It resulted in the deaths of 12 passengers of an intercity bus and injuries to 18 others in the area. The attack was the largest single loss of life since the signing of the Minsk Protocol in September 2014, which attempted to halt the ongoing War in Donbass. The incident has been labelled an "act of terror" by both the Ukrainian authorities as well as the rebels [5].

Terrorism is not new and even though it has been used since the early times of recorded history, it can be relatively hard to define terrorism. Terrorism has been described variously as both a tactic and strategy; a crime and a holy duty; a justified reaction to oppression and an inexcusable abomination. Obviously, a lot depends on whose point of view is being represented. Terrorism has often been an effective tactic for the weaker side in a conflict. As an asymmetric form of conflict, it confers coercive power with many of the advantages of military force at a fraction of the cost. Due to the secretive nature and small size of terrorist organizations, they often offer opponents no clear organization to defend against or to deter.

From the above stated we can claim that the terrorism is a criminal act that influences an audience beyond the immediate victim. The strategy of terrorists is to commit acts of violence that draws the attention of the local populace, the government, and the world to their cause. The terrorists plan their attack to obtain the greatest publicity, choosing targets that symbolize what they oppose. The effectiveness of the terrorist act lies not in the act itself, but in the public's or government's reaction to the act. The phrase "one man's terrorist is another man's freedom fighter" is a view terrorists themselves would gladly accept [6]. Terrorists do not see themselves as evil. They believe they are legitimate combatants, fighting for what they believe in, by whatever means possible to attain their goals. A victim of a terrorist act sees the terrorist as a criminal with no regard for human life. The general public's view though can be the most unstable. The terrorists take great pains to

foster a “Robin Hood” image in hope of swaying the general public’s point of view toward their cause. This sympathetic view of terrorism has become an integral part of their psychological warfare and has been countered vigorously by governments, the media and other organizations.

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2.http://www.statista.com/topics/2267/terrorism/
3.https://en.wikipedia.org/wiki/November_2015_Paris_attacks
4.https://en.wikipedia.org/wiki/2015_Kharkiv_bombing
5.https://en.wikipedia.org/wiki/Volnovakha_bus_attack
6.http://www.terrorism-research.com/

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DISCRIMINATION AS AN EVERLASTING PROBLEM OF HUMANITY

Discrimination manifests itself with unequal treatment of individuals, groups of people or even entire communities. It can be related to many aspects of life, starting with skin colour, religion, the gender ending with national origin. People can also be discriminated against on the grounds of their origin, political and material situation. This phenomenon also affects people with disabilities. The cause of discrimination is strongly rooted in a constantly duplicated stereotypes. Contemporary image of a Muslim who is identified with a terrorist can serve as an example. Another example is the so-called pushing away women from male occupations, with which, according to the stereotypes, they would not be able to deal.

Discrimination can occur in many ways, therefore, two types of discrimination can be distinguished. The first is direct discrimination. It is when an individual or group of people is apparently treated worse than the rest of society, for instance offering lower wages for people with Roma origin. The second type is indirect discrimination, which is based on a seemingly equal treatment of all, for example, rejecting disabled people as candidates in the recruitment for the job, even though they met all the requirements.

The effects of discrimination is mainly social exclusion of a person or group. This leads to a loss of confidence, and aversion to life. Fight against discrimination requires a lot of effort, elimination of the prevailing stereotypes and prejudices is a long term process. International law says about equality of all people without regard to any factors, so it should be consistently followed in every situation and it should be reminded to those people, who do not apply to it.

As it was mentioned above, discrimination manifests itself in many different forms based on characteristics, such as age, disability, national origin, pregnancy, race, skin colour, religion, gender etc. Besides it manifests itself everywhere. Every workplace consists of people who hail from different physical, cultural, religious or

social backgrounds. Sometimes, these differences may give rise to discrimination, regardless of the fact that Governments, Equal Employment Opportunity bodies and other Regulatory Agencies, all over the world, enact guidelines to try to curb and lessen this problem. Discrimination therefore continues to occur in the workplace in many different forms.

Discrimination even occurs in wider aspects covering the whole nations. Thus a few months ago, we became witnesses of terrifying terroristic actions in Paris, which undoubtedly cannot but bring about a lot of discussions both in different spheres of life and in the world community. The mass-media present this event as main and most important front-page news, thus a lot of opinions have appeared, which express sympathy to the victims of the act of terror. France as a leading European country, as one of the leaders of the European Union and the member of Great Eight, directly carries on a certain propaganda campaign as to covering the latest situation number of debates, Paris is the epicenter of discussions, the society is disturbed.

However, the French capital is not the only cell on the body of our planet, suffering from terrorists. Lets move to the nearest mainland. Africa is the continent of contrasts, the place, where co-exist unprecedented poverty and fabulous richness, famine and over-population, deserts and fertile soil, the economic instability of a variety of the countries on the continent, armed clashes, as a result, we have the world which is absolutely contrast to the European one. However, these two opposed continents have a common feature – they are inhabited with people. Lets have a look at an incident that took place in Kenya, where 147 students were murdered right inside Garissa University College. This act of terror was attested and given publicity to, but it did not lead to such propaganda, moreover, it was soon forgotten. On the one hand, we can observe the similar situations in both countries, the acts of terror occurred in both countries and people were killed in both countries. But, on the other hand, we can observe the clear manifestation of discrimination as the world community will remember the French tragedy for at least a year, and the Kenyan one was forgotten within a month.

Lets come back to our mainland, this time to well-known Syria. The armed conflict on this devastated area has been lasting for several years. Last year, the remarkable example of terrorists vandalism was the destruction of the Arc of Triumph dating back to the II century A.D. which was located in the main trade street in the ancient city of Palmira, included to UNESCO. As a response – commonplace indifference of Russian commanders to the lives of citizens, and as a result – bombarding of towns, where the terrorists might have been located.

How long will the phenomenon of discrimination exist? Unfortunately, it is almost impossible to answer that question. In our opinion, as long as hatred, intolerance, miseducation, religious indoctrination, bigotry and all the other negative qualities in humankind exist, we won't see the end of discrimination. Discrimination mostly occurs when one person or group refuses to see the point of view of the other person or group, and refuses to see that all humans are equal by birthright.

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2. www.eeoc.gov/laws/types/
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CHANGES TO EMPLOYMENT LAW OF UKRAINE IN 2015

Labour Code of Ukraine acts the most important part in adjusting of labour relations, which was approved in 1971 and went into effect from June, 1, 1972. A labour code of Ukraine regulates the labour relations of all workers, instrumental in growth of labour productivity, improvement of quality of work, rise of efficiency of public production and getting up on this basis of material and cultural life of workers, strengthening of labour discipline and gradual transformation of labour for the weal of society and satisfaction of vital necessities of everybody capable of working. Amendments to the labour code, introduced by the Cabinet of Ministers of Ukraine.

The aim of the article is to explore the changes that has been made to the labour legislation of Ukraine.

The Law of Ukraine "On Amendments to Certain Ukrainian Laws regarding Reform of Mandatory State Social Insurance and Legalization of Salaries Fund" of 28 December 2014 No. 77-VIII, which came into force on January 1, 2015, introduces the changes to the Article 24 of the Labour Code of Ukraine regulating employment procedure, in particular Part 3. shall be read as follows: *«The employee cannot be admitted to work without Labour Contract completed by the employment order or decree of the employer or the authorized body and when the central executive authority in charge of administering the Unified Social Tax is failed to be notified about hiring the employee in the manner approved by the Cabinet of Ministers of Ukraine».*

Employment order now is obligatory

New edition to the Law says that when the employer hires employee to perform certain work, he pays him wages, ensures working conditions and employee keeps internal labour policy, then such deal can be deemed as Employment Contract and shall be obligatory executed by employment order.

The changes to the Article 24 of the Labour Code of Ukraine provide that the employer is obliged to notify corresponding executive authority about hiring the employee in the specified manner. The employer is prohibited to admit the employee to work without this notification. This provision shall be also complied with when the employee has spare-time work.

To date, such procedure has not been approved yet. After the Cabinet of Ministers develops and approves the notification procedure, the Fiscal Service of Ukraine will provide clarifications regarding application of this statutory regulation.

No need to register employment agreements with individuals

Amendments to the Labour Code of Ukraine cancel obligation of physical persons hiring employees to register employment agreements performed in written in the local State Employment Service of Ukraine within seven working days after the

employee is admitted to work following the procedure adopted by the central executive authority.

Increased employer's liability

Amendments to the Article 265 of the Labour Code increased penalties for violation of labour law regulations. Thus, legal and natural entities-entrepreneurs who hire employees shall be liable and pay administrative fine if:

- the employee is admitted to work without Employment agreement (contract), registered as part-time worker and de facto works full time set in the company and if the employer pays wages dodging unified tax for state mandatory social insurance and mandatory pension fund contributions and taxes – the amount of fine is thirty minimum statutory salaries set by the law at the time of committing violation (as of February 2015 – UAH 36 540,00);
- the employer delays to pay wages and other allowances stipulated by labour legislation to the employees for more than one month, or pays wages not in full - the amount of administrative fine is three minimum statutory salaries set by the law at the time of committing violation (as of February, 2015 – UAH 3 654, 00);
- the employer fails to meet minimum guarantees for labour compensation - the amount of fine is ten minimum statutory salaries set by the law at the time of committing violation (as of February 2015 - UAH12 180,00);
- the employer violates other labour law regulations – administrative fine is the minimum statutory salary (as of February, 2015 - UAH1 218,00).

The above mentioned fines are imposed by the central executive authority responsible for implementation and enforcing labour law policy in the manned set by the Cabinet of Ministers of Ukraine.

In addition, the law provides administrative fines for managers of the companies, institutions and organizations regardless of their ownership as well as private entrepreneurs.

Thus, Article 41 of the Code of Ukraine on administrative offenses provides as follows:

1. Violation of the fixed dates for paying pensions, educational allowances, salaries is subject to the fine amounting from thirty to one hundred (UAH 510,00 – 1 700,00) tax-exempt minimums.
2. Allowing the employee to work without labour contract, or hiring a foreigner or person without citizenship being in the process of getting refugee status, based on employment agreement (labour contract) but without corresponding work permit shall be fined from five hundred to one thousand (UAH 8 500,00 – 17 000,00) tax-exempt minimums.

Bringing to administrative responsibility for the above mentioned offenses shall be implemented based on court decision.

Moreover, managers of the companies, institutions and organizations regardless of their ownership as well as private entrepreneurs shall hold criminal liability if:

- dismiss the employee illegally on personal grounds – the fine amounts from two to three thousand tax-exempt minimums (UAH 34 000,00 – 51000,00) or revocation of the right to hold certain positions or practice certain activities for the period up to three years, or corrective work for a period up to two years [2];

- the employer (manager of the company or private entrepreneur) intentionally and unjustified neglects to pay wages or other allowances set by the law for over one month – the fine is from five hundred to one thousand tax-exempt minimums (UAH 8 500,00 – 17 000,00) or corrective work for the period up to two years, or imprisonment up to two years with deprivation of the right to hold certain positions or practice certain activities up to three years [3].

So, a labour law by its essence is a law for defence of interests of person, defence of worker from exploitation from the side of employer. The purpose of norms of labour law is the regulation of prolonged labour relations in the process of labour, establishment of minimum guarantees (for example, minimum leave, minimum wages and salary), protective procedures (for example, grounds and order of discharge on initiative of proprietor). Basic principle of labour law is the position about the legal state of worker, which cannot be worsened in relation to a set by the legislation level, however can be improved by establishment of additional social-labour privileges by an employer.

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ORGANIZED CRIME

Globalization of organized criminality is increasing faster and faster than globalization of forces fighting with it – that is the one of the conclusions of the second conference of Ministers of Home Affairs of Europe Union`s 41 countries, which has taken place in Bucharest [4].

Organised criminality is a complex and a social phenomenon that doesn`t have borders. It "follows" the economic and cultural development of the most countries of the world stimulating such things as corruption, forgery, violence, drugs and prostitution [1].

Organised criminality is the main factor of political, social and economical instability in Ukraine.

Organised criminality is a specific form of planning and committing a crime. This fact defines its other signs. They are the following:

1) the certain distribution of the roles in the group and the correspondent structures of ruling and organization, creation the same norms of behaviour for the members of the group and sanctions for their violation;

2) stable, prolonged and planned criminal activities;

3) common direction to get the income;

4) the system of adaptation to changing conditions, further spreading out the spheres of activities;

5) knitting of the traditional social and economic criminality;

6) growing of the co-operative contacts between the criminal groups;

7) penetration to the official structures and their corruption;

8) existence of the common property, money, other material values and technical means of different kinds;

9) development of measures against bringing the charge;

10) active spread out of the criminal ideology and moral, forming of public opinion [2].

Three questions can be asked about organized crime in the context of criminology theories. The first of these questions is: Why do people act this way? At least with respect to the criminal associations that provide illegal goods and services, the explanation of the behaviour of any legitimate businessman: These criminals are making a profit by providing goods and services that are strongly desired by customers who are willing to pay for them. The second question asks why these particular goods and services are illegal. As with victimless crimes, the question of why these goods and services are defined as criminal appears to be more interesting for criminology than the question of why some people desire to obtain, and other people attempt to provide, these goods and services. The third question is associated with classical theories and concerns whether defining and punishing the behaviours as criminal has led to a decrease in their incidence. It appears that it hasn`t. Defining these behaviours as criminal may actually contribute to many of the more harmful aspects associated with organized crime. The political graft and corruption would be unnecessary if it were possible legally to provide these goods and services [3].

Today the problem of fighting against the organized criminality is very actual. As i thinkthe basis of organized criminality is the criminal organization. We may speak about organized criminality only on the highest level of its development. An existence of corruptive connections with the ruling bodies of the state, law enforcement bodies put the criminal groups on the level of a criminal organization, organized criminality.

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INTERNATIONAL HUMAN RIGHTS STANDARDS IN THE SPHERE OF HEALTH PROTECTION

Health is an extremely complex system of state and public measures of legal, economic, social, scientific, cultural, educational, organizational, technical, sanitary-hygienic and medical measures for preserving and improving the health of people, the prolongation of active life and disability, creation of favorable conditions of life and work, ensuring a harmonious physical and mental development of children and adolescents, prevention of the diseases and their treatment [1].

International legal standards in health care is recorded by the international laws, the principles and norms that define the changes and volume of human rights in the health sector and provide the legal norms of the national policy in this area.

The main purpose of developing standards in health care are: to protect and promote the health of the population, protection of human rights (of the patient); improving the quality of life of society by improving the functioning of health services; development of laws in the field of health care; ensure social progress [2].

Sources that establish international legal standards in health care are documents issued by the United Nations, the world health organization, International labour organization, the Council of Europe and the European Union, the world and European medical associations.

The right to health, it is important to perceive as a particular case of state responsibility, as a manifestation of the social functions of the state. Here considered as a proper medical component - the existence and functioning of medical institutions, and state - creation within the state conditions under which human health, right to health will be provided to the greatest extent. At the same time, the right to health care is comprehensive about the person, his health status, and consists in the possibility of realization by man of his right to receive such assistance in case of illness or pathological condition. It is particularly important to note that people cannot fully realize their right to life when it is deprived or limited in the right to medical care.

The right to health is realized through a variety of other, constitutionally enshrined human rights. This is due to the fact that health care is a system of measures aimed at ensuring the preservation and development of physiological and psychological functions, optimal working capacity and social activity of a person at maximum biologically possible individual life expectancy (article 3 of bases of the legislation of Ukraine on health protection) [3].

The right to health since the adoption of the universal Declaration of human rights (1948), in varying degrees, reflected in all important international legal instruments devoted to medicine and social security of citizens. The provision of the Declaration

that "everyone has the right to a standard of living, including food, clothing, shelter, medical care and necessary social service which is necessary to maintain the health and welfare of..." has become a rule and a model for national legislation [4].

The health of the citizens determines the level of productivity in society, has a significant impact on the prospects for its socio-economic development. As noted by leading experts of the world health organization, the society only consisting of physically and spiritually healthy individuals with a significant duration of active life, able to achieve sustainable progress in all areas of life.

Consequently, the right to health, it is important to perceive as a particular case of state responsibility, as a manifestation of the social functions of the state, when human health and right to health will be provided to the greatest extent [5].

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3. Одержання медичної допомоги в контексті реалізації права на життя людини // [Електронний ресурс]. − Режим доступу: http://pidruchniki.com/14940511/pravo/_oderzhannya_medichnoyi_dopomogi_prava_zhittya_lyudini
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SOME LEGAL ASPECTS OF GRADUATES' EMPLOYMENT IN UKRAINE

The problem of youth employment is acute nowadays. Every year it is getting more and more difficult for young people who have just graduated from higher educational institutions to find a decent job, their demands being unsatisfied. A crisis in Ukraine caused significant decrase in job offer, and therefore the chances of a young man who has no job experience to find a job are miserable. The proportion of employees who have high school diplomas is growing, while the demand for professions of doctor, lawyer, and economist is decreasing. According to the expert group of the World Bank, higher education is crucial to economic and social development in our country, but it has become the brand through which the country lacks people with manufacturing specialties [1]. To find a job for graduates of the "popular" specialties is twice as difficult. Young people cannot see job prospects within their own country, so they are more likely to get education abroad and stay

there to work. As a result the intellectual potential of our state is reduced, and, therefore, reduced are the prospects for economic development of Ukraine.

In any country people associate the future of their state and the prospects of population well-being with the life and development of young generations and improvement of their qualitative characteristics. In the situation of the growing role of an individual as a subject of social and economic development and an increasing importance of population's intellectual and activity potential as the factors promoting civilization development, it is the educational level, educational and occupational attitudes and employment opportunities of youth that to a considerable degree determine the quality of the current and prospective human potential of any country. Values related to education and occupational activities are ranked rather high in the life priority hierarchy of Ukrainian youth, as confirmed by the results of the most recent representative sample survey of youth contingents. Thus, 70% of young respondents indicated that the *availability of good jobs, professional employment* is "very important" for them. Overall, Ukrainian youth is characterized by a rather high educational level and study activities, although the last statement mostly refers to young people under 25. After this age the percentage of persons who study drops rather sharply and becomes very insignificant by the age of 35 [1].

The skills mismatch in Ukraine is also attributed to the fact that higher education in Ukraine tends to be theoretical (some say classically philosophical). In general, the education system needs to be restructured and transformed. The theme of young people's employment can and should be seen in a wider perspective. Right now the state policy is concentrated mostly on the transition of young people to the labour market. This approach is based on the assumption that after finishing schooling, individuals will smoothly enter the job market and remain within it. In today's economic reality, this vision of a working life is clearly incorrect. Today, with unstable contracts, employment uncertainty, and changing needs for qualifications, the process of participation in the labour market is variable and unpredictable. Education, learning and working are today taking place simultaneously with many students being engaged in the labour market while also studying. Many people upgrade their qualifications, within the principle of lifelong learning, later during their working life paths. So the stages of learning and using what one has learned do not follow each other, but they transform into processes that often occur at the same time [3].

In the competition for jobs young people have worse chances of employment. A large proportion of young people who could not stand the competition with the older age generations pushed to the unregulated labor market. There is a widespread shadow employment among young people that does not contribute to normal development of young workforce. Payment of young people is low and does not meet the full reproduction of labor power, health promotion and recovery efficiency of youth. A high unemployment rate is formed among young graduates and its real volume exceeds the official data [3].

State employment policy is not very effective, because in fact we can notice passive measures to pay unemployment benefits. Developed countries used active measures, but in Ukraine it is impossible, and therefore these measures are applied only in regions with an average rate of unemployment. An attractive but expensive

way is direct government investment in job creation. Much better perspective in Ukrainian conditions may be measures for comprehensive regulation of supply and demand of labor. The government should pay special attention to the categories of workers who work in a particular company, but part-time or working temporarily for various employers and take an effective economic program to address unemployment in the country [2].

In practice, the issue of employment should be settled in the regions according to developed and implemented employment programs. It is necessary to implement measures concerning the regulation of employment, analysis, forecasting, creation and labor market regulation. Qualitatively, development and implementation of regulations on the conditions, rights and job security, the mechanism of employment and social protection will ensure easy entry of young people into the economic sphere and meet the demand for labor at a regional youth labor market.

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STRAFRECHTLICHE VERANTWORTLICHKEIT FÜR DIE «TERRORCAMPS»

Heute hat sich Terrorismus als internationales, globales Problem erfasst und ist eine echte und ernsthafte Bedrohung für die nationale und internationale Sicherheit. Er hat die Tendenz zu wachsen, was die Gesamtzahl der Terroranschläge und die Zahl der Länder, die in dieser Sphäre beteiligt sind bestätigt.

Der aktuelle Charakter des Terrorismus, die Ausdehnung seines Umfangs in der Welt und Anwendung von brutalen Terrorakten verursacht große Sorgen in der Welt. In den offiziellen Dokumenten der EU, den Vereinten Nationen, einer Reihe von internationalen Verträgen und Abkommen ist Terrorismus als eine Bedrohung für die strategische Ebene gekennzeichnet.

In einem Akt № 1566 vom 08.10.2004 hat der Sicherheitsrat erklärt, dass der Terrorismus in allen seinen Formen und Ausprägungen ist eine der größten Bedrohungen für Frieden und Sicherheit. In dem EU-Dokument "Europäische Sicherheitsstrategie", hat er untergezeichnet, dass der Terrorismus - eine wachsende strategische Bedrohung für Gesamteuropa ist.

Trotz der von den einzelnen Staaten und der internationalen Gemeinschaft getroffenen Maßnahmen, im Ganzen, in XXI Jahrhundert in dem wir leben kann man kaum die endgültige Beseitigung des Terrorismus erwarten. Darüber hinaus, die Experten prognostizieren, dass es einen Grund gibt zu glauben, dass der Terrorismus sich weiter verbreitet, organisiert und hässlicher wird [4 S.299-300].

Im Ganzen, unter Terrorismus (lat. Terror „Furcht, Schrecken“) sind Gewalt und Gewaltaktionen (wie z. B. Entführungen, Attentate, Sprengstoffanschläge etc.) gegen eine politische Ordnung zu verstehen, um einen politischen Wandel herbeizuführen. Der Terror dient als Druckmittel und soll vor allem Unsicherheit und Schrecken verbreiten oder Sympathie und Unterstützungsbereitschaft erzeugen. Terrorismus ist keine militärische Strategie, sondern primär eine Kommunikationsstrategie. Terroristen streben zwar nach Veränderungen der bestehenden Ordnung, doch greifen sie nicht militärisch nach Raum (wie z.B. der Guerillero), sondern wollen das Denken besetzen und dadurch Veränderungsprozesse erzwingen [5].

Im ukrainischen Recht gibt es eine Definition von Terrorismus solcher Art: Terrorismus - sozial gefährliche Tätigkeit, die einen bewussten, zielgerichteten Einsatz von Gewalt durch Geiselnahme, Brandstiftung, Mord, Folter, Einschüchterung der Bevölkerung und der Behörden oder andere Angriffe auf das Leben oder die Gesundheit der unschuldigen Menschen begehen oder Bedrohungen einsetzen um ihre kriminellen Ziele zu erreichen [1, S.1].

Die Bekämpfung des Terrorismus ist mit der Einführung der strafrechtlichen Verantwortlichkeit für die so genannten " Terrorcamps " fortgesetzt.

Mit dem "Terrorismuspräventionsgesetz 2010" will das Justizministerium einen EU-Rahmenbeschluss in österreichisches Recht umsetzen, der die Strafbarkeit der Ausbildung für terroristische Zwecke vorsieht: Wer an "Terrorcamps" teilnimmt, soll künftig mit bis zu fünf Jahren Haft bestraft werden, die Ausbildner mit bis zu zehn Jahren.

Außerdem wird die "Anleitung zur Begehung einer terroristischen Straftat" unter Strafe gestellt, ebenso wie die Aufforderung zu derartigen Taten. Der "Verhetzung"-Tatbestand wird neu definiert. Amnesty International kritisiert die "überschießende" Umsetzung des EU-Beschlusses [6].

Das Strafgesetzbuch von Österreich enthält folgende Vorschriften: § 278e StGB Ausbildung für terroristische Zwecke (1) Wer eine andere Person in der Herstellung oder im Gebrauch von Sprengstoff, Schuss- oder sonstigen Waffen oder schädlichen oder gefährlichen Stoffen oder in einer anderen ebenso schädlichen oder gefährlichen spezifisch zur Begehung einer terroristischen Straftat nach § 278c Abs. 1 Z 1 bis 9 oder 10 geeigneten Methode oder einem solchen Verfahren zum Zweck der Begehung einer solchen terroristischen Straftat unterweist, ist mit Freiheitsstrafe von einem bis zu zehn Jahren zu bestrafen, wenn er weiß, dass die vermittelten Fähigkeiten für diesen Zweck eingesetzt werden sollen.

(2) Wer sich in der Herstellung oder im Gebrauch von Sprengstoff, Schuss- oder sonstigen Waffen oder schädlichen oder gefährlichen Stoffen oder in einer anderen ebenso schädlichen oder gefährlichen spezifisch zur Begehung einer terroristischen Straftat nach § 278c Abs. 1 Z 1 bis 9 oder 10 geeigneten Methode oder einem solchen Verfahren unterweisen lässt, um eine solche terroristische Straftat unter Einsatz der

erworbenen Fähigkeiten zu begehen, ist mit Freiheitsstrafe von sechs Monaten bis zu fünf Jahren zu bestrafen. Die Strafe darf jedoch nach Art und Maß nicht strenger sein, als sie das Gesetz für die beabsichtigte Tat androht [3, §278e].

Ukrainische Gesetze ändern sich auch nach den neuen Bedingungen. Am 21. September auf Initiative des Präsidenten der Ukraine wurde das Gesetz der Ukraine «zu Änderung des Straf- und Strafprozess Gesetz der Ukraine über die Verhütung des Terrorismus», von der Werhowna Rada der Ukraine angenommen [2].

Das Gesetz wurde geändert im Zusammenhang mit der Ratifizierung der Europäischen Konvention über die Bekämpfung des Terrorismus. Vertragsstaaten sind gezwungen im nationalen Recht die strafrechtliche Verantwortlichkeit für die Begehung dieser Straftaten herzustellen: öffentliche Anstiftung zum Terrorismus (Artikel 5), Beteiligung an terroristischen Aktivitäten (Artikel 6), Anleitung zur Begehung einer terroristischen Straftat (Artikel 7) [7].

Artikel 258-4. Des ernannten Gesetzes: 1. Die Rekrutierung, Finanzierung, logistische Unterstützung, Bewaffnung, Ausbildung der Personen, die eine terroristische Handlung tun sollten, ebenso wie die Verwendung von einer Person zu diesem Zweck - werden mit Freiheitsstrafe von drei bis acht Jahren bestraft.

2. Die gleichen Aktionen gerichtet zu mehrere Personen oder wiederholt oder nach vorheriger Verschwörung begangen, oder von einem Beamten mit Verwendung seiner amtlichen Stellung, - werden mit Freiheitsstrafe von fünf bis zehn Jahren bestraft [2].

Anschließend kann man sagen, dass Terrorismus als eines der größten Probleme in der Welt bleibt und entwickelt sich weiter. Der Lösung dieses Problems bekommt eine große Aufmerksamkeit wie von einzelnen Staaten, so auch von internationalen Organisationen erteilt.

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2. Про внесення змін до Кримінального та Кримінально-процесуального кодексів України щодо запобігання [...] Верховна Рада України; Закон від 21.09.2006 № 170-V.

3. Strafgesetzbuch Bundesgesetz vom 23. Jänner 1974 überdie mit gerichtlicher Strafebedrohten Handlungen Republik Österreich BGBl. Nr. 60/1974. Jänner 1975 Letzte Änderung: BGBl. I Nr. 112/2015 Електронний ресурс] Режим доступу: http://www.jusline.at/278e_Ausbildung_für_terroristische_Zwecke_ StGB. html

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7. Ющенко підписав кримінальну відповідальність за навчання тероризму//Уніан інформаційне агентство. –2006. – 09 жов. [Електронний ресурс] Режим доступу: http://www.unian.ua/politics/18896-yuschenko-pidpisav-kriminalnu-vidpovidalnist-za-navchannya-terorizmu.html

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POLIZEI IN ÖSTERREICH

Die Polizei in Österreich besteht aus den Sicherheitsbehörden (Bundesminister für Inneres, Landespolizeidirektionen und Bezirkshauptmannschaften) und den ihnen beigegebenen oder unterstellten Wachkörpern. Wichtiger und größter ist die Bundespolizei, die in ganz Österreich gewöhnliche Polizeiaufgaben erledigt. Sie verfügt über rund 1000 Polizeiinspektionen und etwa 23000 Mitarbeiter und ist dem Bundesminister für Inneres unterstellt. Sie wurde am 1. Juli 2005 durch die Zusammenlegung der vor allem in größeren Städten angesiedelten Bundessicherheitswachekorps und Kriminalbeamtenkorps sowie der Bundesgendarmerie gebildet.

Das Revolutionsjahr 1848 bedeutete einen Tiefpunkt des österreichischen Polizeiwesens. Die Idee zur Gründung der Gendarmerie stammt aus dieser Zeit. Am 8. Juni 1849 als Bestandteil des Heeres formiert, war Feldmarschallleutnant Johann Franz Kempen, Freiherr von Fichtenstamm der erste „General-Gendarmerie-Inspektor“. Konzipiert als militärisch organisierter Wachkörper zunächst für die gesamte Habsburgermonarchie, zog die Gendarmerie 1867 aus dem ungarischen Reichsteil ab, wo fortan landeseigene Organe wie die 1881 Gendarmerie die Aufrechterhaltung der öffentlichen Ordnung überwachten. Die Bundesgendarmerie war ein – wenngleich militärisch organisierter ziviler Wachkörper auf Bundesebene in Österreich. Sie war polizeilich für rund zwei Drittel der Bevölkerung auf etwa 98% des österreichischen Staatsgebietes zuständig.

1952 wurde die B-Gendarmerie, eine mit schweren Waffen verstärkte Gendarmerieeinheit, aufgestellt, die nach dem Abschluss des Staatsvertrags den Grundstock des Bundesheeres bildete. Es ist nicht sicher, ob das Kürzel „B“ für Bereitschafts- oder Besondere Gendarmerie stehen sollte. Diese paramilitärische Einheit hätte im Falle einer Invasion der sowjetischen Armee in den westlichen Besatzungszonen Österreichs eingesetzt werden sollen.

Im Jahre 1965 wurden erstmals die Frauen zum Dienst der Polizei zugelassen, zuerst lediglich ohne Bewaffnung zur Überwachung des ruhen Verkehrs und für spezielle Bereiche des Kriminaldienstes. Erst ab 1991 wurden weibliche Polizisten ihren männlichen Kollegen hinsichtlich aller Rechte und Pflichten gleichgestellt. Mittlerweile liegt der Frauenanteil bei der österreichischen Polizei beispielsweise in Wien bei 17 Prozent.

Der Überfall auf die OPEC 1975 führte zur Gründung eines Gendarmerie-Sonderkommandos, des Gendarmerieeinsatzkommandos GEK „Cobra“, das mittlerweile den Namen Einsatzkommando Cobra (EKO Cobra) trägt. Diese Sondereinheit trainiert in der Nähe von Wiener Neustadt und wird vor allem bei

Terrorakten und Kidnapping, aber auch bei anderen besonders gefährlichen Einsätzen alarmiert.

Im Rahmen der seit 2002 laufenden Reorganisation der Österreichischen Wachkörper sollte Gendarmerie, Bundessicherheitswachkorps und Kriminalbeamtenkorps zusammengelegt werden. Am 9. Dezember 2004 war vom Nationalrat mit den Stimmen von ÖVP und FPÖ beschlossen worden, dass die Zusammenlegung am 1. Juli 2005 stattfindet und es dann nur mehr einen einheitlichen Wachkörper mit dem Namen Bundespolizei gibt. Zum Zeitpunkt der Zusammenlegung von Gendarmerie, Bundessicherheitswachkorps und Kriminalbeamtenkorps zur Bundespolizei am 1. Juli 2005 umfasste die Erste ca. 15000 Beamten. Zum 1. September 2012 wurden im Rahmen der Sicherheitsbehörden-Neustrukturierung die Sicherheitsdirektionen, Bundespolizeidirektionen und Landespolizeidirektionen zu je einer Landespolizeidirektion pro Bundesland zusammengelegt. Der Landespolizeidirektion ist eine entsprechende Anzahl von Bezirks- und Stadtpolizeikommanden nachgeordnet. Die Kernaufgaben des Exekutivdienstes werden durch die diesen nachgeordneten Polizeidirektionen vollzogen. Auch zur Bundespolizei gehört die Flugpolizei, die österreichweit acht Stützpunkte betreibt und Flugeinsätze im Dienste der Aufrechterhaltung der öffentlichen Ordnung, Ruhe und Sicherheit koordiniert und tätigt.

Die Bundespolizei ist ein bewaffneter, großteils uniformierter, ziviler (nichtmilitärischer), jedoch nach militärischem Muster organisierter Wachkörper der Republik Österreich. Der Wachkörper Bundespolizei besteht aus den Bediensteten der Besoldungsgruppen Exekutivdienst, Wachbeamte (auslaufend) sowie allen in vertraglicher Verwendung stehenden Exekutivbediensteten (Polizeischülern), unbeschadet der Zugehörigkeit zu einer bestimmten Dienststelle.

Der Dienstbetrieb unterscheidet sich je nach Aufgabenbereich der Dienststelle. Die Polizeiinspektionen sind mit allgemeinen exekutivdienstlichen Aufgaben betraut. Dazu gehören: Streifen- und Überwachungsdienst; Ermittlungs- und Erkennungsdienst; Verkehrsdienst; Gefahrenabwehr; Ausübung der ersten allgemeinen Hilfeleistungspflicht.

Befugnisse, Rechte und Pflichte der Sicherheitsbehörden sind im Sicherheitspolizeigesetz geregelt. Das Bundesgesetz über die Organisation der Sicherheitsverwaltung und die Ausübung der Sicherheitspolizei wurde im Juli 2005 anlässlich der Zusammenlegung zur Bundespolizei grundlegend novelliert. Das SPG stellt die rechtliche Grundlage für die Sicherheitsbehörden und deren Organe, also die Polizei dar. Außerdem regelt das SPG die Organisation und Aufgaben der Sicherheitsbehörden und des Wachkörpers Bundespolizei.

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DIE NEUE UKRAINISCHE POLIZEI IM VERGLEICH ZU DER DEUTSCHEN POLIZEI

Ganz egal, ob es im Straßenverkehr gekracht hat, ob jemand überfallen oder ausgeraubt worden ist oder sich in einer Notlage befindet – wann immer der Notruf 102 gewählt wird, ist sie zur Stelle: die Polizei «dein Freund und Helfer», das «Auge des Gesetzes» oder «Arm der Gerechtigkeit», wie es so schön heißt.

Die Menschen haben Staaten gegründet, um im Schutz und in der Sicherheit friedlich leben zu können. An vorderster Front steht hier in der Ukraine und in anderen Staaten die Polizei. Schon die Bezeichnung sagt vieles, denn sie leitet sich vom griechischen Wort «politeia» ab, was etwa «Staatsverwaltung» bedeutet.

Die Ukraine ist ein junger Staat. Die korrupten Ordnungskräfte sind ein großes Problem für unsere Heimat. Nun soll eine neue Polizeieinheit für Verbesserungen sorgen. Am 25. Juli 2015 wurde ein Gesetz über die neue ukrainische Polizei abgenommen.

Ukrainische Polizeiorganisation besteht funktionell aus der Streifenpolizei, aus der Verwaltungspolizei, aus der Finanzpolizei, aus der Schutzpolizei, aus der Sondereinsatzpolizei. Zurzeit funktioniert nur die Streifenpolizei in Kiew, Lwiw, Charkiw, Odesa, Dnipropetrowsk. Die Streifenpolizei soll den Bürgern von den Augen führen, was für einen Staat wir bauen wollen. Alles neu – das ist das Motto der neuen ukrainischen Polizei: neue Uniform, neue Autos, neues Personal. Für die Stellen wurden nur die Anwärter zwischen 21 und 35 Jahren aufgenommen, das Durchschnittsalter soll jetzt bis 26 Jahren liegen. Jeder vierte Polizist ist eine Frau. Für die neue Polizei in Kyjiw wurden die Gehälter auf 8000 bis 10000 Hrywnja erhöht. Wenn die ukrainische Polizistin in ihrer Uniform durch die Straßen geht, wird sie ständig angehalten: «Sie sind super! Darf ich ein Foto mit Ihren machen?»

Die neuen Polizisten haben noch keine Erfahrung bei der Arbeit aber absoluten Willen etwas zu verändern. Die jungen Polizisten möchten bei den ersten sein, die versuchen, den Staat neu aufzubauen. Ich bin auf sie sehr stolz. Eka Sguladse, Vizechefin des ukrainischen Innenministeriums hat sehr viel für diese Radikalreform gemacht. Jetzt wird Chatija Dekanoidse ihre Sache schrittweise fortsetzen. Exil-Politiker aus Georgien sind die Stars der ukrainischen Reformer: Sie stellen neue Polizeieinheiten auf und verhaften korrupte Ermittler. Ihr harter Stil gefällt mir sehr.

Was die Polizei in der BRD betrifft, das ist die Fachpolizei der Bundesländer, insbesondere in den Bereichen Schutz-, Kriminal-, Wasserschutz- und Bereitschaftspolizei. Das Grundgesetz der BRD weist die Polizeihoheit mit dem Recht der Gesetzgebung und der Ausübung polizeilichen Befugnisse grundsätzlich den Bundesländern zu. In Deutschland gibt es neben den 16 Länderpolizeien auch

Polizei des Bundes. Die Bundespolizei ist eine Polizei, die innerhalb der Sicherheitsarchitektur des Bundes vielfältige sonderpolizeiliche Aufgaben in den Bereichen Grenzschutz, Bahnpolizei und Luftsicherheit wahrnimmt.

Die Aufgaben und Befugnisse der Bundespolizei sind im Wesentlichen im Bundespolizeigesetz (BPolg) geregelt. Weitere Aufgabenzuweisungen finden sich aber auch in zahlreichen anderen Rechtsvorschriften, wie z. B. im Aufenthaltsgesetz, im Asylverfahrensgesetz und im Luftsicherheitsgesetz. Mit rund 40000 Beschäftigten, von denen mehr als 30000 Polizeivollzugsbeamtinnen und -beamten sind, leistet die Bundespolizei einen wichtigen Beitrag für den Erhalt der Sicherheit in der BRD und in Europa. Weltweit nimmt die Bundespolizei Aufgaben (UN), der Europäischen Union (EU) und anderer internationaler Organisationen wahr. Sie unterstützt das Auswärtige Amt bei Schutz deutscher diplomatischer und konsularischer Vertretungen. Die Polizei in Deutschland ist ein zentraler Akteur der inneren Sicherheit, um die öffentliche Ordnung zu gewährleisten. Doch die 16 Länderpolizeien unterscheiden sich sowohl durch die jeweiligen rechtlichen Vorgaben als auch in ihren Organisations- und Ausbildungsstrukturen.

Nicht nur im Polizeirecht, sondern auch in der Organisation und der Ausbildung unterscheidet sich ukrainische und deutsche Polizei. Für eine zukünftige Strukturveränderung der inneren Sicherheit sind sehr wichtig Polizeibeamte mit dem Migrationsuntergrund. In einer Gesellschaft mit einem hohen Migrationsanteil öffnet sich damit die zentrale Organisation für Sicherheit und Ordnung für einen bedeutsamen Teil der Bevölkerung.

Die Polizei in der Ukraine und in der BRD hat unterschiedliche Struktur, aber sie hat große ähnliche Aufgabenkomplexe. Sie wehrt Gefahren ab, verfolgt und verhütet Straftaten und sorgt für Sicherheitsgefühl bei der Bevölkerung. Die Polizisten haben auftreibender Beruf, der sich im Laufe der Jahre immer weiter spezialisiert hat. Ein wichtiger Indikator für die Wirksamkeit der nationalen Polizei ist das Niveau des Vertrauens der Öffentlichkeit. Ich vertraue unserer neuen Polizei und glaube, dass wir bald in einem neuen berechtigten Land leben werden.

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DIE RECHTSSCHUTZORGANE IN DER BRD

Jeder zivilisierte Staat (und Deutschland natürlich) hat und soll seine Rechtsschutzorgane haben. Auf diesen Behörden liegt sehr große Verantwortlichkeit für Leben, Rechten und Freiheiten in der Gesellschaft. Und darum soll der Staat diese Organe mit allen Mitteln unterhalten und finanzieren.

Rechtsschutz (Rechtspflege) im materiellen Sinn ist die Anwendung des Rechts auf den Einzelfall durch den Staat bzw. durch seine Rechtspflegeorgane (Behörden). Rechtspflege im formellen Sinn ist der Sammelbegriff für sämtliche von den Gerichten und von weiteren Organen der Rechtspflege wahrgenommenen Aufgaben und Angelegenheiten. Rechtspflege ist im weiteren Sinne Sorge für einen geordneten Ablauf der Rechtsbeziehungen zwischen den Menschen.

Der Begriff bezeichnet die ordentliche Gerichtsbarkeit, die Staatsanwaltschaften, die Justizverwaltung, die Strafvollzugsbehörden, Polizei und die Notariate.

Zur Rechtspflege zählt das Tätigwerden der Gerichte, in denen von unabhängigen Richtern Recht gesprochen wird, ebenso wie die Vollstreckung dessen, was für Recht befunden wurde. Im weiteren Sinn kann auch die Arbeit der Polizei als Teil der Rechtspflege gesehen werden, soweit diese mit der Verhinderung von Straftaten einerseits und der Ermittlung von Tatverdächtigen in Strafsachen andererseits befasst ist.

Der Rechtsschutz in Deutschland umfasst folgende Institutionen:

- die gesamte Judikative, also die Gerichte aller Gerichtsbarkeiten,
- die Rechtsanwälte,
- im Bereich des Steuerrechts auch Wirtschaftsprüfer und Steuerberater, sowie Patentanwälte und Rentenberater
- Teile der Exekutive
- Staatsanwaltschaft,
- Polizei,
- Gerichtsvollzieher,
- Urkundsbeamten der Geschäftsstelle,
- Schiedsmänner/-frauen oder Friedensrichter in Bundesländern mit Schiedsämtern,
- Justizverwaltung durch die Justizministerien,
- Gemeindeverwaltungen im Bereich des Ordnungsrechts
- Amtsnotare in Baden-Württemberg.

In diesem Bereich interessiert mich am meisten der Begriff „Polizei“ als einer der Rechtsschutzorgane in der BRD. Der Auftrag der deutschen Polizei ist die Aufrechterhaltung der inneren Sicherheit. Dazu hat die Polizei durch

Polizeiverfügungen und sonstige Maßnahmen und in einigen deutschen Ländern auch durch Polizeiverordnungen Gefahren für die öffentliche Sicherheit und teilweise auch für die Öffentliche Ordnung abzuwehren (Kriminalprävention). Des Weiteren untersucht die Polizei strafbare und ordnungswidrige Handlungen (Repression), wobei sie Ermittlungen jeder Art vorzunehmen hat und alle keinen Aufschub gestattenden Anordnungen trifft, um die Verdunklung der Sache zu verhüten. Außerdem schützt die Polizei private Rechte, falls ein gerichtlicher Schutz nicht rechtzeitig zu erlangen ist und widrigenfalls die Verwirklichung des Rechts vereitelt oder wesentlich erschwert würde, und nimmt sonstige ihr von Rechts wegen obliegenden Aufgaben wahr. Die Polizei vertritt bei ihrem Handeln die Rechtsordnung als Exekutive.

Die primäre Aufgabe der Landespolizei ist die Wahrung der öffentlichen Sicherheit und Ordnung. Die Polizei kann auch beauftragt werden, Beweise zu sichern und Ermittlungen anzustellen. Insofern hat die Polizei auch mit der Rechtspflege zu tun. Zwar gehört die Landespolizei nicht zu den Organen der Rechtspflege. Sie ist der Regierung unterstellt und in erster Linie für die Wahrung der öffentlichen Sicherheit und Ordnung zuständig. Einem Strafprozess gehen oft polizeiliche Ermittlungen voraus, und so hat die Landespolizei – im weiteren Sinne – eben auch mit der Rechtspflege zu tun. Zum Aufgabenbereich der Landespolizei gehört es, unerlaubte Angriffe auf den Staat und auf Privatpersonen sowie strafbare Handlungen zu verhindern. Gelingt dies nicht, muss die Landespolizei dafür sorgen, dass der Täter gefasst wird. Dabei muss aber klar festgehalten werden, dass es nicht Sache der Landespolizei ist, die Schuldfrage zu klären. Die Landespolizei hat die Beweise zu sichern und bei der Abklärung des Sachverhalts und der Fahndung behilflich zu sein. Bei der Ausübung ihrer Tätigkeit muss die Landespolizei nach den Grundsätzen des Polizeirechts handeln: In Freiheit und Eigentum darf nur eingegriffen werden, wenn eine schwere und unmittelbare Gefährdung oder Störung der öffentlichen Sicherheit und Ordnung nicht anders abgewehrt werden kann. Eingriffe müssen zudem auch verhältnismäßig sein.

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SYSTEMATISIERUNG DER GESETZGEBUNG DER UKRAINE IM AUSBILDUNGSBEREICH: IN- UND AUSLÄNDISCHE ERFAHRUNG

Der Einfluss der Informationsgesellschaft und weiterer Übergang zur Postinformationszivilisation fordern die Vervollkommnung der Verwirklichung verfassungsmäßiges Rechts jedes Menschen und jedes Staatsbürgers auf Bildung, denn genau der Bildungsprozess tritt als Grundlage für fortschrittliche Entwicklung der Gegenwart hervor. Die Bildungs- und Forschungsniveauerhöhung der Ukraine liegt vor allem der normativen Rechtsebene zugrunde. Solcherart kommt Systematisierung der Gesetzgebung der Ukraine im Ausbildungsbereich in Frage, zwecks der Erleichterung von Bildungsrechtsanwendung, der Erhöhung von Effektivität der Rechtsregelung und der Erreichung der inneren Einheit von Rechtsnormen durch die Beseitigung der Kollisionen und der Gesetzeslücken. Systematisierung der Gesetzgebung der Ukraine im Ausbildungsbereich kann als entscheidender Faktor werden, der deutlich alle Rechte und Pflichte der Teilnehmer an Bildungsprozess bezeichnet.

Die Besichtigung der wissenschaftlichen Arbeiten, die der Lösung der Problematik von Systematisierung als Methode der Vervollkommnung nationaler Gesetzgebung im Ausbildungsbereich gewidmet ist, zeigt zwischendisziplinarische Betrachtungsweise im Rahmen der Rechswissenschaft, der Pädagogik, der Psychologie und der Staatsverwaltung. Einzelne Forschungen von O. Kananykina, O. Karchut, J. Krasnjakow, M. Kurko, O. Melnytschuk, A. Monajenko, L. Nalywajko, S. Nikolajenko, K. Romanenko, I. Tymoschenkowa, I. Usenko, W. Filippowa u.a. haben den Systemationsaspekt konzeptuell bei normativer Rechtsregelung gesellschaftlicher Beziehungen im Ausbildungsbereich.

Das ukrainische Bildungssystem funktioniert auf Rechtsebene, die auf der Verfassung der Ukraine, dem Bildungsgesetz, dem Hochschulausbildungsgesetz, dem Gesamtausbildungsgesetz, dem Vorschulbildungsgesetz, dem Außerschuhlegesetz, dem Gesetz von Schutz der Kindheit, dem berufstechnisches Ausbildungsgesetz u.a. Solche Verzweigung der Bildungsgesetzgebung führt zu seiner niedrigen Rechtseffektivität, komplizierter Rechtsanwendung, zerstreuter Normativ- und Rechtsbasis, dem Erscheinen den Kollisionen und der Rechtsnormenkonkurrenz und den Gesetzlücken. Alles zusammen verursacht Satzungsregelung des Bildungssystems, dessen Wert und Funktionalität immer wieder sinken.

Die Lösung vorhergehender Bildungsgesetzgebungsproblemen ist Kodifizierung als Systematisierungsweise zu dienen. Eine Kodifikation ist die systematische Zusammenfassung des für einen bestimmten Lebensbereich geltenden Rechts in einem zusammenhängenden Gesetzeswerk [2: 160]. Im Vergleich zu der Erfassung,

der Inkorporation und der Konsoliderung als mögliche alternative Systemationsform der Bildungsgesetzgebung, ist Kodifikationsprozess fähig mehr effektiv und gründlich große Anzahl von Zerrissenheit von normativen Rechtsakten abzuschaffen und eine einheitliche, perfekte Regelungssystem der Gesellschaftsverhältnisse im Bildungsbereich auf dem verschiedenen Verwaltungsebenen zu schaffen.

Unkoordinierte und widerspruchsvolle Gesetzgebungsakten, die normative Ausbildungsbasis zusammenstellen, ermöglicht normale Ausbildungsleitung sowohl auf dem Staats-, als auch auf dem Territorialniveau. Vervollkommnensnotwendigkeit der Gesetzgebung im Bildungsbereich ist offensichtlich. Normative Rechtsversorgung ist eine von Grundaspekten der Bildungsleitung in der Ukraine, die Effektivität und Qualität zu steigen lässt.

Die zu beachtende ausländische Erfahrung ist bei der Bildungsleitungsmodernisierung und der Gesetzgebung im Ausbildungsbereich gründlich zu helfen. Der Staat, der als das höchste rechtskulturelle Vorbild der Leitungstätigkeit erscheint, ist Frankreich. Die Ausbildung in diesem Staat ist nicht nur ein Teil von Demokratie, sondern auch ihres Garant. Der Rechtsschutz der Lehrkräfte ist für Ausbildungsgesetzbuchsicherung des Frankreichs bestimmt. Das Gesetzbuch über Ausbildung ist seit 15. Juni 2000 durch Ordinance französischen Präsidenten in Gültigkeit eingeführt. Bis damals hat die Gesetzgebung im Bildungsbereich mehr als 100 Gesetze eingeschlossen, deren Mehrheit noch im XIX Jahrhundert angenommen wurde. Gesetzgebende und reglementarische Regelstellungen, die zu verschiedenen Epochen gehören, erschwerte die Bildungsgesetzgebung und beschränkte effektive Möglichkeit der Rechtsanwendung.

Diese Umstände wurden eine von mehreren Ursachen, die zur Kodifizierung und Gesetzbuchentwicklung führten. Das Wesentliche bei der Sache liegt darin, geltende Normen auszuwählen, zu klassifizieren, hierarchisch und einheitlich zu redigieren.

Noch ein positives Vorbild von der Gründung des Ausbildungsgesetzbuches tritt Weißrussland auf, wo im Rahmen der sozialökonomischen Entwicklung der Staat das Gesetzbuch Weißrusslands über Ausbildung ausgearbeitet und angenommen wurde. Dieses Gesetzbuch enthielt nicht nur die ganze vorhergehende Erfahrung der früheren Gesetzgebungsakten, sondern auch reglementierte eine große Menge von Neuerung und garantierte öffentliche, unentgeltliche, gesellschaftliche obligatorische Ausbildung. Außerdem hat Ausbildungsgesetzbuch die Hauptrolle bei der Selbstidentifizierung der Staatsbürger deklariert und wurde als Hauptinstrument für Integration und sozialer Einheit.

Notwendigkeit und Bedeutsamkeit der Kodifizierung der Gesetzgebung der Ukraine im Ausbildungsbereich als ihre Systematisierungsform bedingt ein neues Bildungsparadigma zu schaffen, Ausbildungsphilosophie zu verändern und Beseitigung von objektiven und subjektiven Verlangsamungsfaktoren der richtigen Ausbildungsdemokratisierung.

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POLICE NATIONALE DE 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.

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.

À savoir que les différences sont nombreuses entre Police et Gendarmerie: tout d'abord, le statut des fonctionnaires, les gendarmes sont des militaires, contrairement aux policiers nationaux, qui sont des policiers. Ensuite, certains domaines d'action de la Police et de la Gendarmerie se recoupent, mais contrairement à la Police nationale, la Gendarmerie participe à la recherche de déserteurs, et les enquêtes sur des délits commis dans l'armée. Le gendarme vit dans une caserne, les uniformes, équipements, grades de l'institution varient aussi, la zone d'exercice géographique est également différente: les deux corps ont compétence sur l'ensemble du territoire, mais la Police exerce plus dans les grandes villes, alors que la Gendarmerie dans les campagnes.

La Police nationale dépend du ministère de l'Intérieur dont elle constitue une des directions, la direction générale de la Police nationale. Elle est dirigée par un directeur général, et comprend plusieurs directions et services actifs, placés sous son autorité.

Entités rattachées au DGPN

- **Recherche, assistance, intervention, dissuasion**: Son rôle est notamment d'agir dans les situations de crise, du type prise d'otages, retranchement de forcenés ou arrestation de malfaiteurs à haut risque, mais aussi de contribuer à la lutte antiterroriste en apportant son concours à l'Unité de coordination de la lutte anti-terroriste et aux autres services spécialisés, afin de mener des opérations de filature,

d'observation, de renseignement et d'arrestations d'individus ou de groupes susceptibles de se livrer à des actions terroristes sur le territoire français.

- **Unité de coordination de la lutte antiterroriste**: L'unité de coordination de la lutte antiterroriste est une structure regroupant des représentants de toutes les directions actives de la Police nationale. Sa mission est de produire régulièrement une estimation de la menace terroriste pour la France, en recevant des renseignements de diverses provenances et en confrontant les informations collectées au cours de réunions, adaptant ainsi les différents dispositifs de lutte antiterroriste.
- **Service de veille opérationnelle de la Police nationale:** Ce service a pour mission de transmettre les informations au directeur général de la Police nationale, et au ministre, ainsi que d'activer le centre opérationnel de police en cas de crise.
- **Service d'information et de communication de la Police**: Le service d'information et de communication de la Police nationale est à la fois chargé de la communication interne et externe de la Police, mais aussi de la présence de la Police nationale lors de grands événements, et de salons.
- **Service historique de la Police nationale:** Sous la direction du SICoP, le SHPN, créé en 2006, anime les activités de recherches historiques internes à l'institution et organise la conservation du patrimoine de la Police nationale.
- **Mission de lutte antidrogue:** La mission de lutte antidrogue a pour missions d'observer et analyser le phénomène de la drogue, afin d'adapter la réponse policière, former les policiers, et leur communiquer des informations relatives au trafic et à la consommation de drogues, mais aussi d'orienter et de coordonner les politiques des directions et services du ministère en matière de lutte contre l'usage et le trafic de produits stupéfiants, et coordonner ses actions en matière de prévention.
- **Délégation aux victimes:** La Délégation aux victimes a pour mission d'améliorer la prise en compte des victimes
- **Unité de coordination de la sécurité dans les transports en commun:** L'unité de coordination de la sécurité dans les transports en commun a pour objectif de coordonner l'action de l'ensemble des services de police, de gendarmerie et des agents de sécurité (SNCF, RATP…) concourant à la sécurité dans les transports en commun. Elle doit coordonner les actions des forces de l'ordre dans les transports, ainsi que les informations police/transporteurs.
- **Unité des grands événements:** Elle se charge d'assurer la sécurité lors des grands événements.
- **Cas spécifique des préfectures de police:** Pour l'agglomération parisienne, constituée de Paris et des départements de la petite couronne, c'est-à-dire les Hauts-de-Seine, la Seine-Saint-Denis et le Val-de-Marne, c'est la préfecture de police de Paris, aussi appelée « PP » qui est compétente.

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]
3. Formation de la force publique en France [p.200-222]

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USAGE DES STUPEFIANTS DANS CETAINS PAYS DU MONDE

La plupart des pays interdisent la consommation des stupéfiants, soit directement comme la France, soit au travers de la « détention en vue de l'usage ». Les sanctions sont diverses selon les états, depuis l'amende administrative jusqu'à l'emprisonnement en passant par l'obligation conditionnelle de soins.

En France, comme dans la plupart des pays, la vente et la consommation d'alcool et de tabac (dont les mécanismes sur l'organisme peuvent être apparentés aux drogues) ne sont pas interdites mais réglementées (notamment alcool au volant, tabac dans les lieux publics, interdiction de délivrance aux mineurs, etc.).

Les sanctions sont diverses selon les états, depuis l'amende administrative jusqu'à l'emprisonnement en passant par l'obligation conditionnelle de soins. Les Pays-Bas tolèrent la consommation et la possession de petites quantités de cannabis pour les majeurs ainsi que la vente dans certains lieux réglementés (le nombre des coffee-shops a été considérablement réduit ces dernières années).

Les choix propres à chaque pays sont liés à leur culture, à leur dispositif juridique, à leur capacité judiciaire ou de contrôle sanitaire et social, etc. C'est pourquoi, les options choisies ne sont pas toujours transposables d'un état à l'autre.

La tradition de l'usage de certaines substances est très ancien. En Asie, les feuilles du cannabis sont utilisées à des fins thérapeutiques depuis des millénaires. L'alcool apparaît dès l'Antiquité. La médecine grecque de l'Antiquité utilisait l'opium et en signalait déjà les dangers. Aux XVIe et XVIIe siècles on se servait du tabac pour guérir les plaies. Au XIXe siècle, des chirurgiens employaient la cocaïne. Utilisés pour soigner et guérir, ces produits (dont l'usage varie selon les cultures et les traditions) étaient aussi employés dans des cérémonies sacrées, des fêtes, afin de modifier l'état de conscience et de renforcer les relations entre les personnes[1].

Autrefois, le mot drogue désignait un "médicament", une préparation des apothicaires (pharmaciens d'autrefois) destinée à soulager un malade. Puis il a été utilisé pour désigner les substances illicites et surtout l'héroïne.

Aujourd'hui, pour nommer l'ensemble de tous ces produits qui agissent sur le cerveau, et dont l'usage est interdit ou réglementé, on emploie le terme de "substances psychoactives".

Alcool, tabac, cannabis, héroïne, cocaïne, etc. sont des substances psychoactives qui agissent sur le cerveau c'est-à-dire qu'elles modifient l'activité mentale, les sensations, le comportement et qu'elles provoquent des effets somatiques (sur le corps) variables selon les propriétés de chacune, leurs effets et

leur nocivité. Le cannabis, la cocaïne, l'ecstasy, l'héroïne sont des substances illicites: le code pénal en interdit et en réprime la production, la détention et la vente,

conformément aux conventions internationales. Leur usage est également interdit et sanctionné. Les médicaments psychotropes (anxiolytiques, hypnotiques, antidépresseurs) sont prescrits par un médecin pour traiter des états d'anxiété, de troubles du sommeil, de dépression; leur production et leur usage sont strictement contrôlés. Cependant, il arrive qu'ils soient détournés de cet usage thérapeutique, et l'automédication est fréquente. L'alcool et le tabac sont des produits dont la vente est contrôlée, et leur consommation dans les lieux publics réglementée.

La provocation à l'usage ou au trafic de stupéfiants, par la publicité ou l'incitation ou la présentation sous un jour favorable des produits classés stupéfiants, (quel que soit le support choisi : vêtements, bijoux, livres, etc.) est puni de 5 ans d'emprisonnement et 75 000 euros d'amende, même si l'incitation est restée sans effet (article L3421-4 du code de la santé publique). Les peines sont aggravées lorsque les mineurs sont visés (7 ans et 150 000 euros). L'un des buts de cette loi n'est pas d'éluder le débat sur la drogue mais d'éviter le développement d'un « marketing » de promotion des produits stupéfiants. La provocation au trafic est sanctionnée par une peine de 10 ans d'emprisonnement et de 300 000 euros d'amende. La détention d'un produit stupéfiant est punie de 10 ans d'emprisonnement et 500 000 euros d'amende. En pratique, les tribunaux tiennent compte de la quantité détenue et des circonstances de la détention (détenir une très petite quantité pour l'usage personnel est généralement assimilé à l'usage simple). Le vendeur ou « dealer » qui vend, ou qui offre un produit stupéfiant (même en petite quantité et même à titre gratuit) à une personne, pour la consommation personnelle de celle-ci, encourt jusqu'à 5 ans d'emprisonnement et 75 000 euros d'amende[2].

Les peines sont doublées lorsque des stupéfiants sont vendus ou donnés à des mineurs ou dans l'enceinte des centres d'enseignement ou d'éducation. Un usager qui vend ou qui « dépanne », même pour subvenir à ses propres besoins en drogue, peut être sanctionné comme dealer. La loi punit comme complice du vendeur, le «guetteur», «le rabatteur» ou

«l'intermédiaire» (ou tout autre forme de complicité) même s'il ne bénéficie d'aucune contrepartie en argent ou en nature.

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MYTHES ET REALITE DU TCHORNOBYL

«Le 26 avril 1986, à 1 h 23 min 40 s, le réacteur n 4 de la centrale nucléaire explose.» Une précision acérée, qui donne à cet événement impensable l'épaisseur

d'une déflagration irréversible, et inaltérable. Bombe nucléaire subreptice, Tchernobyl symbolise pour toujours la puissance maléfique de l'atome, rejoignant, par cette tragédie civile, la monstrueuse expérience militaire d'Hiroshima.

L'accident survenu à la centrale nucléaire de Tchernobyl est l'une des plus grandes catastrophes anthropiques dans l'histoire humaine. Il a causé beaucoup de pertes dans les différents domaines de la vie. L'accident de la centrale nucléaire de Tchernobyl reste le plus grave dans l'histoire de cette industrie électrogène. Sa gravité était telle qu'il a fallu ajouter un degré sur l'échelle internationale classant incidents et accidents dans ce domaine. Avant Tchernobyl, l'échelle possédait 6 degrés (sur le 6è se trouvait un seul accident, déjà en ex-URSS, à l'usine de retraitement de Kyhstym en 1957) ; après celui-ci, l'importance des rejets hors du site et les effets étendus sur l'Homme et l'environnement ont conduit à l'établissement d'un 7è échelon.

Toutefois, ce n'est pas (mais ce n'est pas une consolation – loin de là), le plus grave accident industriel. 15 mois plus tôt, une fuite de 40 tonnes de gaz toxiques de l'usine de Bhopal, en Inde, faisait plus 8 000 morts dans les 3 premiers jours de 20 000 en 20 ans. L'accident fera au total 362 540 victimes répertoriées.

Jusque là, la «fourchette» des victimes allait de 32 morts dans les jours suivant l'accident, à des nombres variant de 80 000 à 150 000 morts provenant des associations anti-nucléaires.

Le rapport de l'ONU (600 pages!) s'appuie en revanche sur une centaine de communications émanant d'économistes et de spécialistes de la santé, toutes personnalités reconnues sur le plan international. Ces études, menées pendant près de 20 ans, indiquent que, «fin juin 2005, moins de 50 décès peuvent être directement attribués à cette catastrophe. Pratiquement tous étaient des membres des équipes de sauvetages, exposé à des doses très élevées et morts dans les mois qui ont suivi l'accident. D'autres ont survécu jusqu'en 2004. Sur les 4000 patients atteints d'un cancer de la thyroïde, imputable à la contamination résultant de l'accident, tous ont guéri à l'exception de 9 qui sont décédés». 9 décès (même 1 seul décès) c'est terrible quand on songe aux familles qui sont touchées mais ces chiffres n'ont rien à voir – heureusement – avec ce que l'on a entendu. Le rapport précise également «qu'aucune indication d'une quelconque augmentation de l'incidence de leucémie ou de cancer chez les habitants affectés par Tchernobyl (on estime à 5 millions le nombre de personnes résidant actuellement dans des zones contaminées à la suite de l'accident)». Contrairement à ce qui a été dit «aucune indication d'une augmentation de malformation congénitales pouvant être attribuées à une radio-exposition n'a pu être établie».

La conclusion du rapport n'épargne pas tous ceux qui ont lancé des hypothèses quant aux conséquences de l'accident, un peu à la sauvette: «la persistance de mythes ou d'idées fausses sur le risque d'irradiation ont provoqués chez les habitants des zones touchées un «fatalisme paralysant»».

Si l'on considère l'ensemble des décès attribuables à terme, au total, des suites d'une radio-exposition consécutive à l'accident de Tchernobyl, le rapport donne le chiffre de 4000 au maximum. Là encore, ce nombre de morts annoncées est très important, mais n'a rien à voir avec ce que l'on entendu. Sur un autre plan il est loin d'autres chiffres, plus conséquents mais nullement médiatisés concernant d'autres

accidents (on l'a vu avec Bhopal; un seul autre exemple: 6000 mineurs meurent chaque année dans des mines chinoises). Comparaison ne vaut pas mais il est toutefois bon de posséder quelques repaires.

Qui croire? C'est la question que se pose toujours le non-spécialiste, qui sera tout aussi surpris si on lui dit que, sur les 285000 survivants aux explosions d'Hiroshima et Nagasaki, l'excès du nombre de morts par cancer au total sera de l'ordre de 400! C'est énorme mais loin des chiffres lancés entendus ici et là et qui sont entrés maintenant dans notre mémoire.

A qui faire confiance? Comment définir un expert? Les scientifiques essaient également de répondre à cette question le plus honnêtement et sérieusement possible. Ceci, d'autant plus que, lorsque ils sont appelés à jouer ce rôle, on a l'impression que, pour la communauté qui s'interroge – à juste titre - sur un problème ou une situation à laquelle elle est confrontée, le bon expert est celui qui apporte les conclusions qu'elle attend. Si la raison scientifique va contre l'opinion qu'elle s'est déjà forgée, alors l'expert est jugé incompétent.On peut dire que l'expert est celui, en dehors d'une compétence reconnue au niveau international dans son domaine, dont ni le salaire ni la promotion ne dépendent des propos qu'il tient et qui, par ailleurs, ne milite dans aucune association défendant une cause particulière se rattachant au domaine pour lequel il intervient.

A chacun de faire des efforts, notamment sur le plan de l'honnêteté intellectuelle, afin de se forger, malgré son incompétence, une opinion qui permette de vivre sereinement dans une société marquée par la Technologie qui reste, quoiqu'on en pense, à son service.

Toutes les études scientifiques sérieuses, réalisées jusqu'ici, ont conclu que l'impact des rayonnements a été moins dangereux qu'on ne le craignait. Une dizaine de pompiers qui ont bravé le feu dans le réacteur ont succombé à de graves irradiations. Des analyses sont encore en cours concernant les taux élevés de cancers et de maladies cardiovasculaires parmi les membres de l'équipe d'intervention ayant travaillé sur le site au cours des mois qui ont suivi l'accident. Et quelque 5.000 cas de cancers de la thyroïde, attribués à l'iode radioactif absorbé dans le lait consommé au cours des semaines suivant l'accident, ont été détectés parmi les personnes qui étaient enfants au moment du drame.. Les déménagements pis que les irradiations!Une véritable souffrance a été observée, et ce particulièrement chez les 330.000 personnes qui ont dû être relogées après l'explosion. Aucun doute à ce sujet. Or, pour les cinq millions de personnes vivant dans les régions affectées et désignées comme «victimes» de Tchernobyl, les rayonnements n'ont pas eu de retombées marquantes sur leur santé physique. Il en est ainsi parce que ces personnes n'ont été exposées qu'à de faibles doses de rayons, comparables la plupart du temps aux niveaux du fond naturel de rayonnement. Trois décennies de déclin et de mesures de redressement impliquent que la plupart des territoires originellement jugés «contaminés» ne méritent plus cette appellation. Mis à part les cancers de la thyroïde qui ont été traités avec succès dans 98,5% des cas, les scientifiques ne sont pas en mesure de démontrer la corrélation entre les rayonnements et la détérioration de la condition physique des patients.

Tchernobyl symbolise pour toujours la puissance maléfique de l'atome, rejoignant, par cette tragédie civile, la monstrueuse expérience militaire d'Hiroshima.

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LA TERRE EN ALERTE

Le XXI^{e} siècle pour notre planète, pourrait s'annoncer mieux: plus de 11000 espèces animales sont en voie d'extinction, les sols sont pollués par les engrais agricoles et la forêt disparaît. En effet, pour développer l'agriculture ou aggrandir les villes, les hommes déboisent chaque année 17 millions d'hectares de forêt, l'équivalent d'un tiers de la France. Résultat: le désert avance et l'atmosphère se réchauffe. Car en absorbant le gaz carbonique, les forêts diminuent l'effet de serre.

L'environnement est tout ce qui nous entoure. C'est l'ensemble des éléments naturels et artificiels au sein duquel se déroule la vie humaine. Pour notre planète, le XXI siècle peut se terminer par une catastrophe écologique qui est le resultat des causes naturelles ou de l'action de l'homme. Tremblement de terre, tsunami, éruption volcanique, cyclone, typhon, tempête, tornade, inondation**…** ont été considérés comme les sources de dévastation naturelle. Mais l'action de l'homme est de plus en plus liée aux catastrophes: marées noires, explosion chimique ou industrielle (Tchernobyl), famine due à la sécheresse mais aussi au processus de désertification provoqué par l'homme (Éthiopie). L'action de l'homme sur son environnement provoque des drames environnementaux et humain**s.**

La surexploitation des ressources**,** la déforestation et l'érosion des sols provoquent une augmentation des inondations et des glissements de terrain. La pollution atmosphérique, les pluies acides, la pollution chimique des sols (pesticides, métaux lourds…), le réchauffement climatique lié à effet de serre dans l'atmosphère sont les conséquences des activités humaines.

La manifestation la plus visible de la crise est celle, qui réduit la couche d'ozone qui protége notre planète des rayons ultraviolets du Soleil.

La pollution des océans

Contrairement aux idées reçues, les eaux usées rejetées par l'agriculture intensive et l'industrie dans les fleuves, les lacs et les rivières polluent deux fois plus les océans que le transport maritime. Pourtant, les dégazages en mer déversent chaque année de 1 200 000 à 1 500 000 tonnes de produits chimiques. Il ne s'agit pas seulement d'hydrocarbures, mais aussi d'une large gamme de détergents, d'huiles diverses qui polluent dans une quasi-impunité au-delà des zones économiques exclusives (200 milles nautiques) puisque l'on peut procéder à des rejets dans les mers ouvertes à condition de ne pas dépasser certaines normes. Par ailleurs, les rivières, les fleuves et

les estuaires charrient vers le milieu marin quantité de substances particulièrement nocives, comme le mercure et le plomb. L'utilisation massive des engrais agricoles, des pesticides et des nitrates dans l'agriculture intensive augmente les rejets d'eaux riches en phosphates et en ammonium, provoquant une prolifération d'algues (les marées vertes) qui asphyxient le milieu marin.

Surexploitation des ressources

Ces phénomènes menacent directement l'avenir du biotope marin car ils engendrent une eutrophisation des estuaires, véritables pouponnières pour 80 % des espèces. Autre danger: la surpêche. Les stocks de poissons sont exploités au-delà de leurs limites biologiques. Dans certaines eaux européennes, 40 à 60 % des réserves des principales espèces commerciales sont utilisées dans des conditions mettant en péril leur renouvellement. Enfin, l'augmentation de la pression démographique, avec 8 milliards d'êtres humains prévus en 2020, ne peut qu'exacerber les problèmes posés par les rejets polluants, qu'il s'agisse de ceux émanant de l'agriculture, des industries, des transports ou de ceux provenant des particuliers. Des solutions existent pourtant dans tous ces domaines. C'est avant tout une question de volonté politique. Or celle-ci dépend dans une large mesure de la prise de conscience des citoyens. On comprend d'autant mieux l'enjeu capital que représente le défi de changer les mentalités, pour que chacun s'engage à repenser son rapport à l'environnement.

Des solutions existent. C'est avant tout une question de volonté politique, de la conscience des citoyens. On comprend qu'il faut changer les mentalités, pour que chacun s'engage à repenser son rapport à l'environnement. Il faut réduir les déchets, utiliser économiquement de l'eau, de gaz, de l'électricité, planter des arbres, utiliser le moins possible les véhicules automobiles, préférer vélo ou transport ferroviaire à chaque fois que possible, c'est-à-dire le transport qui ne pollue pas l'air, si une automobile est vraiment nécessaire, choisissez le modèle le plus léger et le plus efficace possible (par exemple, certains constructeurs ont annoncé des véhicules consommant moins de 1.5 L/100km), éviter de prendre l'avion, atteindez une isolation optimale des bâtiments, au mieux par le recours à l'architecture bioclimatique qui réduit au maximum les besoins de chauffage pour garder notre Planète.

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TRANSPORT DURABLE

Le «transport durable» est le transport qui produit peu ou pas d'émissions de pollution atmosphérique. à€ titre d'exemples, mentionnons le transport en commun, le covoiturage, le partage de voiture, la marche et la bicyclette.

L’amélioration du niveau de vie donne plus facilement accès à l'automobile et au transport aérien, développe les infrastructures routières, augmente le transport maritime lié à la mondialisation du commerce, baisse des prix du transport aérien... et génère une hausse des déplacements de voyageurs et de marchandises considérables depuis 50 ans. L'alourdissement des déplacements et les nuisances qui en découlent provoquent aujourd'hui de graves problèmes environnementaux, sociaux, de santé publique, et ne sont pas compatibles avec une vision de développement durable, que ce soit à l'échelle locale ou internationale. Selon l’Institut Français de l’Environnement (IFEN), les transports sont responsables d'un quart des émissions nationales de gaz à effet de serre en 2004. Les émissions dues aux transports ont augmenté de 23% entre 1990 et 2004. Les transports aériens, maritimes et automobiles contribuent largement à l’émission de polluants comme le dioxyde de carbone (C02), le NOx, le dioxyde de soufre (SO2), le plomb et les particules fines. La qualité de l’air est fortement dégradée, particulièrement dans les grandes villes, et est responsable de maladies respiratoires et d’un bilan très lourd: 3 millions de morts par an dans le monde selon l’Organisation Mondiale de la Santé (OMS). Dans une perspective de développement durable, les déplacements doivent avant tout être orientés vers la réduction de l’utilisation de l’automobile et de l’avion, et limités à leur stricte nécessité le cas échéant. Le développement du transport de marchandises doit s’effectuer majoritairement via le fret fluvial ou le ferroutage, et il s’agit de repenser en amont toute la nécessité et la pertinence de nombreux déplacements de marchandises. L’utilisation de transports propres, tels que les transports en commun, et des transports doux, tels que le vélo, le roller, et bien sûr la marche à pied seront privilégiés par les citoyens, soucieux de leur environnement, de leur qualité de vie et de l’air qu’ils respirent.

Un système de transport durable est un système: qui permet aux individus et aux sociétés de satisfaire leurs principaux besoins d’accès d’une manière sécuritaire et compatible avec la santé des humains et des écosystèmes avec équité entre les générations et dont le coût est raisonnable, qui fonctionne efficacement, qui offre un choix de moyen de transport et qui appuie une économie dynamique, qui limite les émissions et les déchets de manière à ce que ceux-ci ne dépassent pas la capacité que possède la planète de les absorber, minimise la consommation des ressources non renouvelables, limite la consommation des ressources renouvelables dans le respect des principes de développement durable; réutilise et recycle ses composantes et minimise l’usage des terres et le bruit.

L’accent sur l’accès: Dans une société où le transport est durable, les gens jouissent au moins du même accès aux biens, aux services et aux possibilités sociales que nous avons aujourd’hui, particulièrement les gens qui sont désavantagés sur le plan économique ou qui font face à des défis physiques particuliers. Toutefois, les méthodes d'accès proprement dites pourraient différer considérablement.

Il y a plusieurs obstacles à la réalisation du transport durable. Quatre des plus importants sont les suivants: a) Plus que dans la plupart des autres secteurs de l'activité humaine, la prise de décision dans le domaine du transport - de la part des gouvernements, des entreprises et des particuliers - s'est enfermée dans des sillons qui renforcent les arrangements et les tendances non durables que nous connaissons aujourd'hui. b) Il existe une mentalité croyant que la réalisation du transport durable est

trop dispendieuse, difficile et menacera notre qualité et notre mode de vie. c) La combustion de pétrole bon marché fournit plus de 99 p. 100 de l'énergie nécessaire au transport motorisé et est à l'origine d'un grand nombre des problèmes environnementaux qui proviennent du transport. La mise en valeur de produits de remplacement renouvelables constituera un défi de taille. d) Les mécanismes pour identifier les améliorations dans le domaine du transport durable, disséminer les succès résultants et les tendances favorables sont inadéquats. Le travail à faire pour surmonter les obstacles institutionnels qui empêchent la prise de décision efficace dans le domaine des transports peut s'avérer un défi plus important que le travail à faire pour surmonter les obstacles technologiques qui empêchent la réduction de la consommation des combustibles fossiles.

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LA MISSION DE LA PRISON EN FRANCE

Une prison, centre de détention ou pénitencier est un lieu d'emprisonnement. Par extension, le terme « prison » désigne également la peine d'incarcération. Les prisons françaises (191 établissements au 1er janvier 2012) sont des lieux privatifs de liberté gérés par l'administration pénitentiaire, elle-même rattachée au ministère de la Justice depuis 1911. Le rôlé de la prison en France est entres autres de protéger la société contre les individus dangereux. Au-delà de la privation de liberté, cela passe également par la mise en œuvre de leur réinsertion afin de prévenir le risque de récidive Note 1.

Au 1er avril 2014, la capacité d'accueil des prisons françaises était de 57 680 places. Un total de 68 859 détenus y étaient incarcérés1 dont 2 209 femmes2, en hausse de 2 % par rapport à l'année précédente3. Aussi, au 3 juin 2014, un détenu coûtait en moyenne 32 000 euros par an à l'état, soit 100 euros par jour en établissement pénitentiaire4.

Le musée national des prisons.

Le musée national des prisons a été aménagé en 1995 dans l'ancienne maison d'arrêt de Fontainebleau. Celle-ci, construite après 1845 sur un modèle panoptique, avait fermé ses portes cinq ans plus tôt. Les collections présentées retracent l'histoire de l'administration pénitentiaire à partir du xvie siècle10.

Le musée a d'abord ouvert ses portes uniquement aux universitaires et aux membres de l'administration puis, à partir de février 2003, l'office du tourisme de

Fontainebleau y organise des visites groupées sur rendez-vous sous la conduite d'un conférencier. N'ayant jamais pu ouvrir pleinement ses collections au grand public, le musée ferme ses portes le 31 décembre 201011.

Établissements

Vue de la maison d'arrêt de Fresnes

Il existe en France 250 établissements répartis en 98 maisons d'arrêt, 82 établissements pour peine (43 centres pénitentiaires, 25 centres de détention, 6 maisons centrales et 11 centres de semi-liberté), 6 établissements pénitentiaires pour mineurs et 1 établissement public de santé national situé au sein de la maison d'arrêt de Fresnes13.

Les maisons d'arrêt (ou quartiers maison d'arrêt) accueillent les prévenus ainsi que les détenus dont le reliquat de peine est faible (inférieur à deux ans) ou dont le jugement n'est pas encore définitif (procédure d'appel en cour par exemple).

Les centres de détention reçoivent les détenus condamnés définitivement à de longues peines. Les maisons centrales, quant à elles, sont destinées aux détenus les plus difficiles, présentant le moins de gage de réinsertion sociale.

Les personnes détenues ayant bénéficié d'une mesure d'aménagement de peine peuvent rejoindre un centre de semi-liberté ou un centre pour peines aménagées.

Chaque établissement a un règlement intérieur particulier.

Missions

Le service public pénitentiaire assume une double mission : il participe à l'exécution des décisions et sentences pénales et au maintien de la sécurité publique et il favorise la réinsertion sociale des personnes qui lui sont confiées par l'autorité judiciaire. Il est organisé de manière à assurer l'individualisation des peines16.

En collaboration avec des partenaires publics ou associatifs, l'administration pénitentiaire met en place des dispositifs d'insertion qu'elle propose aux détenus ou aux personnes faisant l'objet d'une mesure restrictive de liberté : hébergement, formation, emploi ou suivi médical par exemple. Ces dispositifs sont pour la plupart inscrits dans le cadre de la politique de la ville.

Exécution de la peine

L'administration pénitentiaire est responsable de l'exécution des peines ; elle prend en charge les personnes placées sous main de justice. Les mesures prononcées à leur égard interviennent avant ou après jugement et sont exécutées soit en milieu fermé, dans les prisons, soit en milieu ouvert, avec ou sans enfermement préalable.

Les règles pénitentiaire européennes, adoptées par la France et l'ensemble des États membres du Conseil de l'Europe en janvier 2006, constituent un cadre éthique et une charte d'action pour l'administration pénitentiaire. Elles rappellent des principes fondamentaux et des recommandations pratiques concernant : les conditions de détention, la santé et l'accès aux soins, le bon ordre, le personnel pénitentiaire, les inspections et contrôles et le régime de détention des prévenus et des condamnés.

Les prisonniers peuvent recevoir la visite de leurs proches ou amis dans des «parloirs». Il est parfois difficile pour les proches ou amis d'obtenir un «permis de visite» (auprès du chef de l'établissement pénitentiaire ou du juge d'instruction). Les délais d'attente peuvent être de plusieurs mois.

Les parloirs sont surveillés par des surveillants. Dans les maisons d'arrêt, les parloirs durent de 30 à 60 minutes et sont principalement ouverts en semaine. Dans les centres de détention et les maisons centrales, ils peuvent durer jusqu'à 3 heures et sont principalement ouverts les weeks-ends et jours fériés.

Santé

La Commission européenne de Prévention de la Torture (CPT) note que la prise en charge médicale des détenus particulièrement surveillés, des détenus souffrant de maladie mentale et le traitement des cas de douleur aigüe font que «le traitement médical se trouve perverti et devient dégradant».

La surpopulation carcérale est toujours une réalité française. Même si le nombre de détenus au 1er décembre est en baisse par rapport à l'année dernière, les prisons françaises connaissent un taux de remplissage de 116 %, d'après les dernières statistiques de la Direction de l'administration pénitentiaire, publiées lundi 22 décembre et dont voici les principaux enseignements :

- La France comptait 67 105 détenus dans ses prisons au 1er décembre, contre 67 738 un an auparavant, soit un chiffre en baisse de 0,9 %.
- Parmi eux, 12 441 sont en surnombre – puisque les prisons françaises ne disposent que de 57 854 places au total –, parmi lesquels 979 dorment sur des matelas à même le sol. Cela représente un taux de remplissage de 116 %.
- 12 660 des détenus sont incarcérés dans des établissements situés à Paris et en Ile-de-France, où les prisons sont remplies à près de 139 %, soit la plus forte densité. Les prisons rattachées à la direction interrégionale de Marseille connaissent la seconde plus forte surpopulation, avec un taux de remplissage de 112,5 % pour 8000 détenus environ.
- 686 mineurs étaient écroués au 1er décembre, dont 465 prévenus et 221 condamnés. Ce chiffre est en baisse d'environ 7 % par rapport à décembre 2013, mois où la France comptait 737 mineurs dans ses établissements pénitentiaires.
- Les femmes, au nombre de 2 777, représentent 4 % des détenus.

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https://fr.wikipedia.org/wiki/Prison_en_France

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НАУКОВЕ ВИДАННЯ

**ПРАВОВА ТА ПРАВООХОРОННА ДІЯЛЬНІСТЬ:
ЄВРОПЕЙСЬКИЙ ДОСВІД
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