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CIVIL LAW AND CIVIL PROCEDURE; FAMILY LAW

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SOME ASPECTS OF CLASSIFICATION OF PRODUCER'S CONTRACTS

The article concerns to the classification of producer's contract. Invited to the main separation criteria producer contracts include: types of relationships on the use of intellectual property rights at work, which are regulated by the treaty; conditions for granting the right to use the work; signs of readiness to work; nature of the relationship between the parties. Given the division conducted a classification highlights some peculiarities of the legal nature of contracts studied and proposed directions for improvement of civil- legal regulation of contractual relations in this area.

Thus, as a result of the study is expedient to make such conclusions. The production activity has specific features that determine the specificity and classification of producer's contract. Yes, Producers agreements can be divided: a) on grounds of willingness to work with the finished work contracts and contracts for work order creation; b) by type of relationship with the use of intellectual property rights in the work covered by this contract, the contracts for the rights to use the work and agreements on transfer (assignment) of property rights at work; c) by granting the right to use the work to include contracts with derivative work – use complex (translation work, work arrangements, work processing, etc.); Contracts without creating derivative works – simple use; d) depending on the nature of relations between the parties Producers agreements can be divided into contracts with employers to create work and service agreements with other entities.

We consider it appropriate to amend ch. 6. 33 of the Law of Ukraine "On Copyright and Related Rights", stating it as follows: "In the author's contract the author undertakes to create order in the future work under this contract and property rights to transmit it to the customer".

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CORRECTION PROGRAM AS MEANS OF ORGANIZING CORRECTIVE WORK WITH PEOPLE WHO COMMIT DOMESTIC VIOLENCE

The article defines the concept of correctional work. The questions of the effectiveness of its implementation in order to prevent and to resist domestic violence are considered. Certain measures for solving the problems of the domestic violence were proposed.

Prevention of domestic violence is one of the areas of social development. It is seen not only as a social problem, but primarily as an issue of human rights protection, which requires development of appropriate means to solve it. One of which is a correctional program.

The social consequences of family violence increases the stability of the society and the level of social dissatisfaction of people.

Firstly the system of preventive measures (including correction of aggressive and violent behavior) provides reduction the level of violence and protects interests of individuals and, therefore, interests of community:

– prevent demonstrations violence, eliminating their probable causes and circumstances that may encourage the aggressors commit unlawful acts (proactive approach);

– involves active participation of community in support of persons suffering from violence;

– creates conditions that community members take responsibility for their own actions.

– Secondly the model counter of violent behavior in the family takes into account peculiarity of physical and mental state of human.

Thirdly correction programs are based on respect for social values and focused on the formation of children and adults (including offenders) respect to universal moral values, respect for individual, gender, ethnic, cultural and other differences.

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THEORETICAL PRINCIPLES OF DIFFERENTIATION PATTERNS CIVIL JUSTICE IN UKRAINE

The article investigate the question of the relation of concepts procedural form, the type of procedure, rules and procedures within the civil and commercial litigation in particular, as well as within the entire justice system in general. Are identified an inaccuracy's in the legal formulations of these legal categories and produced the only scientific approach to understanding these concepts. Article substantiates a conclusion that the civil and commercial proceedings are independent procedures for justice and for their differentiation will be the use of the term "order". Also, is substantiated that the division of civil proceedings for the types (for individual production) due to the substantive nature of cases and procedural the peculiarities of their consideration, which indicates that special "rules" of consideration certain categories of cases in a single civil proceedings.

Civil justice takes the form of civil and economic justice that are appropriate types of justice, and their separation is dependent on the respective type of procedure justice, defined the relevant Procedure Code. In turn, both civil litigation and commercial litigation in its structure with distinct types of proceedings based on substantive criteria that are appropriate proceedings, claim, clerk, individual (according to the Civil Procedure Code of Ukraine) and the limitation and proceedings Bankruptcy (according to the Commercial Code of Ukraine). These proceedings are differentiated into types based on specific rules defining features of consideration of a group of cases. This is the only approach to understanding the procedural these categories should be taken as a basis for the formulation further by unifying and optimizing procedural law civil justice in general.

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LEGAL REGIME OF COMMERCIAL SECRET IN UKRAINE

It is investigated the question of legal regime of commercial secret. It is paid an attention to the content of information is a trade secret. In particular, the Law of Ukraine «On information» and the Law of Ukraine «On Protection of Economic Competition» defined by legislator are different concepts. Commercial secret is often associated with means of protection against substandard competition in the implementation of intellectual property rights. Among the objects of intellectual property in economic activity is also a trade secret. The name «commercial secret» especially the word «secret», introduces ambiguity in the interpretation of the concept. Depending on the content of information a commercial secret can be considered as confidential information and other secret prescribed by law, except state secrets.

In the development of market economic relations in Ukraine along with positive gains there are also some negative effects. Concern causes increasing number of crimes in the sphere of economic activity, intellectual property, causing significant damage to the state, subjects of economic relations and individuals.

In summary noted that when the information becomes the object of ownership, there are some questions about the legality of its use. This is attributed to the fact that common property or information is a certain monopoly rights of individuals to object. Monopoly allows profits for permission to use the facility. This feature is dream of any structure, both private and public. As pointed out by some scientists, information is an object that is not consumed, which may be sold many times. The danger of this is obvious, because monopoly is not only the right to authorize the money, but forbid on a whim.

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ON THE NEW CONCEPT OF THE NOTION OF ACTION IN CIVIL PROCEEDINGS

It is highlighted the key concepts of understanding the lawsuit, and it is taken as a basis for remedial action concept of a lawsuit as a means to bring civil proceedings. For the first time it is raised the issue of correlation of goals and objectives of civil proceedings and understanding of the lawsuit, as well as taking this approach as a basis to justify the "fifth" concept of a lawsuit. In accordance to the author's theory lawsuit is the procedural category and is a requirement of the plaintiff to the court, which is mediated by the requirement to resolve civil dispute between specific parties about a particular subject and on stated grounds drawn up as a lawsuit, which is a procedural tool to bring up civil proceedings, the main purpose of which will be "resolution" of the dispute in procedural terms by settlement of the case with satisfaction of substantive requirements of the claimant or rejection of its satisfaction.

It is this understanding of the claim, in our opinion, gives grounds to apply to the category of "claim" a principle of civil procedure as dispositive, so that any changes in substantive requirements of the applicant realized only through the implementation of the plaintiff in the court proceedings powers. In our opinion, it also points to secondary place substantive procedural requirements in the content category of "action".

This is our proposed approach to understanding the action is distinct from the four basic concepts claim that you can carefully recognize the "heel" of the concept of the theory of action and begin a discussion about the expansion of traditional concepts of understanding of the legal category.

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DELIMITATION OF CONTRACTUAL AND TORT LIABILITY IN THE FIELD OF HEALTH SERVICES

The article focuses on the issues of legal regulation of the procedure and conditions (bases) imposing civil liability for medical institutions and health care workers. Analyzes the legal nature of medical error.

Everyone from birth to death are potential medical legal entity, and of right or wrong, wrong actions of medical worker depends not only human health, but its main value – life. However, the feature of medical practice is that not all medical procedures, diagnosis and treatment lead to positive results. Some of them end in death or disability of the patient. Each such case must not remain without a response, because patients while recourse should be confident in civil law protecting their rights, responsibilities of health workers in modern practice combined with certain difficulties. Legal regulation of these issues directly linked to matters of procedure and conditions (grounds) imposing liability on hospitals and medical staff.

Civil liability in the provision of medical services occurs when the general conditions of responsibility.

Sell distinguish between contractual and tort liability rule according to which the presence of contractual conditions for non-contractual claim there is no claim as contractual claim displace non-contractual. The decision on the contractual responsibility is taken for the presence of contractual obligations of the parties. In the absence of contractual obligation suppose to decide on imposing tort liability.

Legal liability depends on the doctor's fault in his actions and qualifications negative treatment outcome as acceptable medical error, so it is necessary to distinguish between permissible (innocent) and unacceptable (wine) medical errors.

LABOR LAW; SOCIAL SECURITY LAW

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PROPOSALS TO IMPROVE SOCIAL PROTECTION IN UKRAINE

The article deals with topical issues of labor law, namely proposals to improve social protection in Ukraine.

On the way, who chose Ukraine to reach European standards of life plays a significant role effective system of social protection. In modern conditions of development need radical changes in social protection, because for the welfare, rights and freedoms of people in our country to get rid of post-Soviet legacy and reach the international level. Instead of a country that is developing progressively, we have abandoned society, economy, culture, education, medicine. No political party and no government since independence failed to change this miserable situation and offer realistic vision of the concept of social development of our country. In view of the question of improving social protection in Ukraine is extremely important.

Improving social protection is an extremely important issue. Many countries neglected this sector, so now we can watch the dissatisfaction of many segments of the population, which manifests itself through rallies, protests, which greatly reduces the potential for development. We believe that the issue of social protection must be considered by the government to stabilize the socio-economic situation of the country. This first step is to pay attention to citizen's rights and freedoms and to guarantee their proper level.

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THE ROLE OF COLLECTIVE BARGAINING REGULATION IN THE INTERESTS OF THE PARTIES TO THE EMPLOYMENT RELATIONSHIP

The article is devoted to the problems of the rights and interests of workers in the content of the collective agreement. Solved mentioned conditions of the collective agreement for the optimal combination of rights and interests of the parties of labor relations.

The question of reconciling the interests of employers and employees has always been important. The process of becoming a modern democratic Ukrainian state does not require the selection of priority interest of any of the parties to the employment relationship, but rather the interests of harmonization and consolidation of the parity principle in labor law. Only the mutual satisfaction of the interests of the employee and the employer will provide effective regulation of labor market conditions. Regulator renewal of employment should be a collective agreement.

In order to be provided with appropriate social conditions proposed in the draft Labour Code of Ukraine, provision, according to which it is necessary to make compulsory verification of creating conditions during the registration of the collective agreement or the charter company (for retailers).

It was concluded that collective bargaining should take a fundamentally important role in the local regulation of labor become a real "constitution" of the enterprise. If the Labor Code of Ukraine or other laws, not all aspects of labor relations interests be taken into account, the collective agreements can be expected. The potential of the collective agreement in full has not been implemented. Many provisions of the collective agreement provisions overlap centralized legislation. The content of the collective agreement must pay more attention to stimulating wage, creation of adequate welfare conditions.

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FORMS AND METHODS OF CONTROL AND SUPERVISION OVER OBSERVANCE OF LEGISLATION ON LABOR PROTECTION

The article examines in the field of labor. It is claimed that today industrialized countries pay special attention to ensure the safety and working life. This is reflected in the establishment of rules, technical and legal standards of safety criteria for the classification of enterprises according to their degree of hazard to the health of workers, rules to train employees in safe methods of work, responsibility for violation of legislation on health and safety, as well as the creation of special government designed to ensure the implementation of legislation on health and safety.

Any legislation, especially legislation on health and safety, is effective when it is strictly implemented by all stakeholders relations. The effectiveness of the legal mechanism of regulation of health and safety in the countries determined by the availability of efficient mechanism of supervision and control over compliance with legal regulations in this field.

Necessary by law clearly identify supervisors and monitoring of safety, because, firstly, they differ in the competence and scope of their powers, and secondly, the powers of supervision and control bodies fixed in the various regulations, serve basis to check their activities just as separate organs with clearly defined terms of rights and responsibilities for employers or other persons authorized enterprises, institutions and organizations. It is therefore necessary to create a single codified regulation that would define terms of labor protection for most businesses, combining a large number of regulations that currently govern these relationships.

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ENFORCEMENT NATURE THROUGH ITS FUNDAMENTAL PROPERTIES

The object of the research article is the problematic issues about the nature of law as a special form of implementation of labor law is. The common (generic common) properties of law on which the right may not be exercised subject alone and requires interference and enforcement effective as when other forms of implementation of the law can't lead to the onset necessary and (or) the desired effects. Determined that enforcement of labor law is based not only on the central provisions of legislation, but also to local regulations.

It is concluded that under the application of labor law should be carried out to understand the established rules of labor law order power-organizational activities of the competent authorities and officials aimed at resolving labor and is closely related to their relations through individualization of material and procedural norms of procedural labor law in the relevant law enforcement acts.

Enforcement is though optional, but extremely important component of the regulatory mechanism of employment law that allows entities endowed with necessary amount of power, if necessary, and the presence of legal grounds to intervene in the process of realization of law to guarantee and protect labor rights and interests of workers, as well as ensuring the performance of their legal duties.

ADMINISTRATIVE LAW AND PROCESS; FINANCE LAW; INFORMATION LAW

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BODIES OF JUDICIAL AUTHORITIES OF UKRAINE AS ONE OF SUBJECTS OF ENFORCEMENT FUNCTIONS IMPLEMENTATION OF THE STATE

It is formulated basic directions on which the implementation of law enforcement functions of the state in the frame of judicial system. It is proved that mentioned areas differ by forms of access to a court (statement, appeal or statement of claim), forms and procedures and also decisions that are approved. It is considered one of the existing directions. It is formulated priority areas of judicial and law reform that will improve the effectiveness of juridical authorities as one of the subjects of implementation enforcement functions of the state.

In our point of view the priority areas of judicial and law reforms that improve effectiveness of judicial system in the institutional mechanism of implementation law enforcement functions of the state shall be:

– bringing legislation of Ukrainian which regulate all aspects of the functioning of the judiciary in line with international standards;

– improvement of judicial system of Ukraine;

– effectiveness enhance of functioning the judicial system of Ukraine;

– studying possibility of usage European principles of administrative justice in Ukraine;

– development of system measures to improve the organization of its activities, provision of impartial verification of compliance by all authorized entities of the rules of justice;

– identification mechanisms that would ensure properly functioning court in special circumstances – during the anti-terrorist operation, acts of war or emergency status;

– optimization of organizational structure of self-government judicia;

– improving of professional level of judiciary;

– providing maximum use of the potential of the subsidiary bodies functioning judicial system in Ukraine;

– bringing institute disciplinary responsibility of judges in accordance with European standards (main focus should be directed to the indictment and not adversarial nature).

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THE OWNERSHIP OF THE MOBILE PHONES AS THE OBJECT OF ADMINISTRATIVE LEGAL PROTECTION

The article proved that the object of administrative legal relations in the field of ownership of mobile phones is the right of individuals and entities on the free possession, use and disposal of mobile phones. As well as the action of subjects of administrative legal relations concerning the right of the owner to publicly, demand that all other persons let him freely possess, use and dispose of their mobile phone. The right to require the owner of the subject of the public administrator to intervene and restore the violation of property rights. The duty of public administration to implement all the envisaged legislation administrative measures to prevent illegal encroachments on the ownership of mobile phones and restore violated rights.

The technological revolution in mobile phones took place. Without them it is impossible to show the modern man. But mobile phones are not only technical means of communication but also a leading factor in social and economic dynamic of human development that affects all factors of life. For example, it is difficult to imagine in modern conditions of show business, education, banking without communication capabilities of mobile phones.

Ownership of mobile phones as an object of administrative and legal protection in our opinion, should be considered in the light of administrative and legal relations in the sphere of protection of the right of ownership to mobile phones. The structure of administrative legal relations characterized by the interconnectedness of all its constituents, which are the subjects, objects, content relationships and legal facts.

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PECULIARITIES OF ADMINISTRATIVE JURISDICTION IN INTERNAL AFFAIRS BODIES

The article deals with the peculiarities of administrative jurisdiction in the internal affairs. Determined that the administrative jurisdiction of the internal affairs and should be based on the primacy of human rights, improvement of administrative and jurisdictional methods to protect their rights, freedoms and legitimate interests.

Having analyzed the nature and specificity administrative jurisdiction of internal affairs bodies, indicated following:

– under the administrative and jurisdictional activity of internal affairs bodies must understand the kind of independent state, regulation, enforcement and law enforcement, which is consider and resolve in stipulated by regulations order of legal disputes with the protection of public relations in various areas of management;

– general and hallmarks types of administrative jurisdiction in internal affairs bodies have their specific content, separating this activity from the jurisdiction of other state bodies and determine the special nature and purpose bodies of internal affairs in the executive branch;

– administrative jurisdiction bodies of internal affairs is a special (peculiar) way of social relations and protection and at the same time the way the application of administrative law in the executive branch;

– specific regulation is also the administrative jurisdiction of internal affairs bodies, the mechanism which includes, in addition to legislation, departmental regulations, including orders, instructions and so on. Some of its sides regulated by special (sectoral) regulations, which define the jurisdictional order of individual services and departments of internal affairs bodies.

HALUNKO V.V.,
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THE LEGAL STATUS AND DIRECTIONS OF IMPROVEMENT OF LEGISLATIVE PRODUCTION OF AMBER IN UKRAINE

The article proved that the law that should regulate social relations in the sphere of extraction of amber should be conceptually included the following aspects. The law define "local prospector". The law determines what permits to the development of amber gives the local community. Permits must register by central executive body. The law provides for enhancing the effectiveness of criminal prosecution of persons engaged no legal effect on intermediary amber, and those who violate the rights and legitimate interests of the locals in this area. The law provided for a free market and export processing amber under special supervision of tax authorities.

Conceptually the draft Law of Ukraine «On production and sale of amber» 14th of February 2015 № 1351-1 requires improvements in the following aspects:

1) enter the category of "local prospector";

2) permits amber development have give combined local community;

3) registration permits for amber development automatically created through the Single State electronic database on geology and mineral resources should perform the State Service of Geology and Mineral Resources of Ukraine;

4) predict the right of local communities to create a combined public fund to perform exploration work on the exploration of amber;

5) enhance the effectiveness of criminal prosecution of persons acts in illegal intermediary work about amber, and those who violate the rights and legitimate interests of the local people in this sphere;

6) establish a free market of amber processing and export under special control of the DFS.

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INSTITUTIONAL COMPONENTS OF MOTION VECTOR DETERMINATION COUNTRIES

The article analyzes the main components of the development and effective management of the state as a whole and its separate directions and spheres. Based on the works of Western scholars foreigners to optimize the system of public administration that received recognition for their high international awards and investigated its components such as values, institutions and elites. Formed and set out our own views on the studied subject.

People in the development of the world continuously create rules of life, the organizational structure, processes administered through isolation managers. Depending on the quality of rules and forms of life evolving society or degraded. That values of society, its institutions and administrators (managers) determine the motion vector of the country.

The institutional component of every society emerging from the depths and have a stable resistance. The quality and organizational activities directly and indirectly dependent on common values and institutions a particular society. Only significant social and historical upheaval (what is now Ukraine's military-revolutionary action) and external influences (the desire of other countries to attach them to the desired Ukrainian motion vector state and coexistence rules) can affect the quality of governance and effectiveness of the entire management body.

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THE POLICE AS THE SUBJECT OF DOMESTIC VIOLENCE

Internal affairs agencies are one of the main subjects to counter domestic violence. An important aspect of the prevention of domestic violence is a timely response to the internal affairs agencies to the signals and messages on their commission. Improving the situation in the area under study we see through the further development of the legal and institutional mechanisms for regional and national system of prevention of domestic violence.

The family as a basic unit of society fulfills important social functions, plays an important role in human life, providing socialization, formation and satisfaction of individual needs.

The concept of "family" we commonly associated with safety and protection from place to find peace and understanding.

Now, when the independent democratic Ukraine is public understanding of the importance of respecting human rights and freedoms, domestic violence is socially perceived problems because it is not a personal matter offender and the victim, and the problem, which requires total attention and specific public policy to address it.

Combating domestic violence is a complex social-pedagogical and legal measures specially authorized state bodies and civil society institutions, covering prevention, identification, suppression of offenses in the family, prosecution of offenders and correction of behavior, social support for victims of violence.

The activities of the Interior is a leader in combating domestic violence, because this institution has the responsibility to immediately implement a set of measures to prevent and stop.

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ON THE PROBLEM OF IMPROVING THE METHODOLOGY OF LEGAL POLICY IN THE CONTEXT LEGAL REFORM IN UKRAINE

The article raised the question of new approaches to improving the methodology of legal policy in terms of full-scale legal reform in Ukraine. Heightened attention on the concept transdisciplinary approach based on inclusion in the process of scientific knowledge and the acquisition of knowledge and professional skills formation of values and target parameters.

In terms of conducting a full-scale legal reform in Ukraine is growing need for scientifically grounded concept of legal policy. In this task, significant results can be achieved by taking into account all its essential features, the best forms of implementation. This will highlight the legal policy as an object of scientific knowledge, using the methodological basis that can provide the complexity and completeness of its analysis, to find ways to optimize the process of formation and implementation in the preparation and adoption of lawmaking and realized in the right solutions overcome contradictions and inconsistencies law.

In the scientific plane accents are mainly concentrated on the problem of the main directions of legal policy, traditionally considered also as a form of implementation in law-making, law enforcement, realized in the right, doctrinal, informational, educational, organizational and technical areas in general and specific areas of law including through reliance on the legal basis their object (legal policy in the criminal justice field, in the area of private law, environmental, agricultural, commercial law, etc.).

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JUDICIAL PROTECTION OF CITIZENS' RIGHTS IN THE FIELD OF PUBLIC LAW RELATIONS: PROBLEMS OF EFFICIENCY OF THE ADMINISTRATIVE PROCEEDINGS

Based on the studying of legal bases for creation of administrative justice, its legal nature it is studying content of the objective of administrative proceedings for compliance with the functional purpose of justice in administrative cases. It is concluded that "protection of law" as a normative task of administrative proceedings is substantive in nature and is only a consequence of the judicial procedural activity and cannot unveil procedural content of administrative proceedings. Since the administrative proceedings, as procedural activity is linked to the consideration and resolution of administrative cases, so its objective has to be "resolution of a public law dispute". Also it is disclosed the meaning of the term "protection of rights" in the aspect of regulatory objectives of administrative proceedings; it is bringing up prerequisites of effectiveness of judicial protection.

By ratifying the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms, Ukraine has committed to provide its citizens the right to judicial protection, the right to a fair trial and the right to effective renovation of rights the competent national courts, including citizens' relations with public authorities of infringements by the latter. This function has been assigned to administrative justice. The concept of judicial reform in Ukraine in 1992 the second phase of that reform declared the establishment of administrative courts. Subsequently Concept of administrative reform in Ukraine in 1998 have emphasized the creation of the legal framework for the full implementation of this form of judicial protection of rights and freedoms in the executive branch, as administrative justice; predicted the gradual formation of the Supreme Administrative Court of Ukraine and local administrative and appellate courts; enshrines fundamental principles of the functioning of the executive branch, including the emphasis of judicial control over the activities of executive bodies, their officials, primarily from the position of respect for persons and justice. The concept of improving the justice system to ensure fair trial in Ukraine in line with European standards in 2006 determined that further development of justice in Ukraine should aim at strengthening the rule of law by ensuring, in particular, the effectiveness of judicial protection. Administrative courts should resolve public disputes in administrative proceedings, which is aimed at protecting the rights of individuals in public legal relations with government entities.

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MODERN THEORETICAL DIMENSION PRINCIPLES OF ADMINISTRATIVE LAW REGULATION OF FORENSIC EXPERT

On the basis of the views of scientists in the field of administrative law and modern law are defined and categorized the modern principles of administrative and legal regulation of forensic activities. It is indicated that they are concentrated and assembled express an objective basis, which should be approved in the modern field of forensic activities.

Ukraine belongs to the civil law, in which the principles given important attention, without them it is difficult to imagine any kind of activity, the more forensic activities.

We actively seek to build the rule of law and civil society, so of course this theory we need to examine the current measurement principles of administrative and legal regulation of forensic activities.

It should be emphasized that the Ukrainian public life does not stand still, constantly occurring socio-economic and political changes. This includes reforming the system of administrative and legal regulation of forensic activities accordingly performs an important function of objectivity and organization of criminal offenses and misdemeanors.

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THE ADMINISTRATIVE PRINCIPLES OF APPOINTING JUDGES

The administrative principles for appointing judges in Ukraine are caused by objective bases of underlying the activities of the public administration on the selection and appointment of judges. General principles for appointment of judges is the rule of law and patriotism and transparency and openness and publicity and political neutrality and equal access to participation in the competition. Special principles for appointment of judges is the principle of proportionality and the professionalism and competence and integrity of the candidate and efficiency.

The peculiarity of administrative and legal relations in the sphere of the judiciary is that the leading public administration entities that provide administrative procedures to appoint judges are not executive bodies and local self-government and judicial authorities or other public collective bodies to which composed of judges, especially meetings of judges at all levels, High Qualification Commission of Judges of Ukraine, the High Council of Justice. Accordingly, the principles of administrative law analyzed in the area should first define the basic principles of activities of public authorities of subjects of administrative law.

In terms of today's fundamental principles that define the activity of special subjects Administrative Law regarding the appointment of judges is designed surface, in general. In particular, this is confirmed by the fact that the national society is not satisfied with the activities of the judiciary, according to various estimates only 7 to 63% of its activities are considered satisfactory.

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THE BOUNDARIES OF THE APPLICATION OF PHYSICAL FORCE SERVICEMEN OF THE NATIONAL GUARD OF UKRAINE – "POWER STRUCTURE" OF THE STATE

Considered regulatory framework applicable law on the limits of application of physical force servicemen of the National Guard of Ukraine. Based on the analysis of the current legislation and works of scientists the theoretical problem of defining the concept of "measures of physical restraint". The correlation between the concepts of "measures of physical influence" and "physical strength". Outlined the scope of application of these measures servicemen of the National Guard of Ukraine – "power structure" of the state.

It is concluded that the concept of "measures of physical influence" almost defies formalization, scientists thought rather ambiguous about the definition of its definition. The terms "physical measures of influence" and "physical force" are equivalent, but the first is used more often, because we believe it is necessary to replace the term "physical force" to avoid possible misunderstandings. The boundaries of the application of physical effects vary depending on the type of service and combat activity time (special period) and officials – military of the National Guard of Ukraine. The use of National Guard troops Ukraine of physical impact regulated by a number of legal acts. There is an urgent need for unification and concentration in a single act codified the principles of application of physical force NGU military personnel while performing service and combat missions. The use of physical impact NGU during military service and performance of combat missions – a special event extreme forced to stop illegal acts in the form of the use of muscle power without the help of special tools, firearms, weapons and military equipment.

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