

# **The Scientific Papers**

**of the Legislation Institute  
of the Verkhovna Rada of Ukraine**

**The Scientific Papers of the  
Legislation Institute of the  
Verkhovna Rada of Ukraine**

**No 4/2018**

**Registered by  
the Ministry of Justice of Ukraine**

**Founding institution:  
The Legislation Institute  
of the Verkhovna Rada of Ukraine**

*Certificate of the state registration of the mass media vehicle KB No. 16712-5284P of June 9, 2010.*

*Frequency: 6 Issue(s) per year*

*Free of charge*

*Recommended for publishing by Academic Council of the Legislation Institute of the Verkhovna Rada of Ukraine (Minutes of Meeting No. 11 of September 3, 2018)*

**Editorial Board:**

*4, Nestorivskiy provulok, Kyiv, 04053, Ukraine*

*Tel. (+38-044) 235-96-01*

*Fax (+38-044) 235-96-05*

*E-mail: [redkolegia@gmail.com](mailto:redkolegia@gmail.com)*

*Materials may be reproduced only with reference to the source*

*Pursuant to the Decree of the Ministry of Education and Science of Ukraine of 21.12.2015 No. 1328 the publication is included in the list of the scientific professional publications in the fields of Law and Economics.*

*Pursuant to the Decree of the Ministry of Education and Science of Ukraine of 22.12.2016 No. 1604 the publication is included in the list of the scientific professional publications in the fields of State Administration*

*Scientific articles are published in author's edition.*

*Opinions expressed do not necessarily reflect those of the Editorial Board.*

*All rights reserved.*

*© The Scientific Papers of the Legislation Institute of the Verkhovna Rada of Ukraine, 2018*

**Editorial board:**

*Baimuratov M.O., Doctor of Law, Professor;  
Bersheda Ye.R., Doctor of Economics, Professor,  
Corresponding Member of the National Academy of Sciences of Ukraine (Editor-in-chief);  
Bykov O.M., Doctor of Law, Senior Research Associate;  
Borysenko Z.M., Doctor of Economics, Professor;  
Buromenskyi M.V., Doctor of Law, Professor, Corresponding Member of the National Academy of Law Sciences of Ukraine;  
Vorotin V.Ye., Doctor of Public Administration, Professor;  
Haman M.V., Doctor of Public Administration, Professor;  
Gryshova I.Yu., Doctor of Economics, Professor;  
Grinenko O.O., Doctor of Law, Senior Research Associate;  
Dmytriiev A.I., Doctor of Law, Professor;  
Zhyliiaiev I.B., Doctor of Economics, Senior Research Associate;  
Zhuravskiy V.S., Doctor of Law, Professor, Academician of the National Academy of Law Sciences of Ukraine;  
Klymenko O.M., Doctor of Law, Professor;  
Kolomiets I.S., Candidate of Legal Sciences, Senior Research Associate (Executive Secretary);  
Kopylenko O.L., Doctor of Law, Professor, Corresponding Member of the National Academy of Sciences of Ukraine;  
Kuznichenko S.O., Doctor of Law, Professor;  
Kuian I.A., Doctor of Law;  
Herbert Küpper, Doctor of Law, Professor;  
Mantsevych Yu.M., Doctor of Economics, Professor;  
Matsiuk A.R., Doctor of Law, Professor;  
Myshchak I.M., Doctor of Historical Sciences, Senior Research Associate (Deputy editor-in-chief);  
Motrenko T.V., Doctor of Philosophy, Professor, Corresponding Member of the National Academy of Pedagogical Sciences of Ukraine;  
Naumov O.B., Doctor of Economics, Professor;  
Pohorielova A.I., Doctor of Politics, Associate Professor;  
Pryhodko H.V., Doctor of Law, Professor;  
Savkov A.P., Doctor of Public Administration, Professor;  
Selivanov A.O., Doctor of Law, Professor, Academician of the National Academy of Law Sciences of Ukraine;  
Serhiienko V.I., Doctor of Economics;  
Stoyanova-Koval S.S., Doctor of Economics, Professor;  
Shapoval V.M., Doctor of Law, Professor, Corresponding Member of the National Academy of Sciences of Ukraine;  
David Schwartz, Doctor of Economics, Professor;  
Shvets M.Ya., Doctor of Economics, Professor,  
Corresponding Member of the National Academy of Law Sciences of Ukraine;  
Friedrich-Christian Schroeder, Doctor of Law, Professor;  
Yarmysh O.N., Doctor of Law, Professor, Corresponding Member of the National Academy of Law Sciences of Ukraine.*

---

**CONTENT**


---

**LAW****Theory and History of State and Law**

Iliashko O. O. It was annexed Ukrainian lands: political and law excursus into history .....	5
Tsura V. V. Development of legal regulation of representation relations on the Ukrainian lands .....	6

**Constitutional and Municipal Law**

Kinash N. B. Principles of citizenship: a condition for the stable existence of the state .....	7
---	---

**Civil Law and Civil Process; Family Law; International Private Law**

Latynskiy M. E. Public policy as a complex category in modern private international law .....	8
---	---

**Land Law; Agricultural Law; Environmental Law; Natural Resources Law**

Fedchyshyn D. V. On the issue of ways to protect land rights .....	10
--	----

**Administrative Law and Administrative Process; Financial Law; Informational Law**

Andrushchenko H. S. Components of budget legislation in foreign countries .....	11
Moroz Ye. S. Procedural status of the bodies of state financial control in administrative and delict proceeding .....	12
Shemchuk V. V. The principles of ensuring of the information security .....	14

**Criminal Law and Criminal Process**

Barabash T. M., Levytska L. V. The law making realities of reformation in the sphere of criminal responsibility and criminal proceeding: modern state and prospects .....	15
---	----

**ECONOMICS**

Brazhnyk L. V. State debt of Ukraine: formation process and management methods .....	17
Zghadova N. S., Dzhumelia V. V., Marchuk L. L. Strategic benchmarks of the state policy of counteraction to the shadow economy in Ukraine .....	19
Myshchak I. M., Kazarian G. G. Specialization of institutional regulation of socially-economical care of persons with disabilities .....	21
Livinsky A. I. Improving the mechanism of innovative development of agricultural producers in Ukraine .....	23

**STATE ADMINISTRATION**

<b>Holovko L. O. Programs in the field of water policy and water management in the USA: experience for Ukraine .....</b>	<b>30</b>
<b>Shaulska H. M. Legislative support for the development of civil society in Ukraine .....</b>	<b>31</b>

## LAW

## Theory and History of State and Law

Oleksandr Iliashko

## IT WAS ANNEXED UKRAINIAN LANDS: POLITICAL AND LAW EXCURSUS INTO HISTORY

The subject of this article is the main examples of annexing Ukrainian territories for 18–21 centuries, as well as other illegal ways of changing the status of State territories.

The events of recent years in Ukraine demonstrate clearly expressed wronged by the neighboring, friendly State of the Russian Federation. Their character and consequences create the base attributed to international crimes, require attention not only scientists, but also political, public figures, and the international community.

The most striking of such examples, try to stay and analyze specific patterns, as well as ways of solving them.

1. The annexation of Crimea by the Russian Empire (1783). Empress Catherine II signed a manifesto on making the Crimean peninsula, Taman island and all Kuban side under the State Russian. The Russian Government began to implement the Russian methods of managing the economy of the land, and also strengthened the right to possession of the local earth spread on local peasants serfdom.

2. The annexation of Transcarpathia Hungary (1938) before the start of World War II, Transcarpathia was extreme eastern the area of Czechoslovakia, known as Subcarpathian Rus.

3. The Soviet annexation of Western Ukrainian lands (1939) – the process of occupation by the Soviet Union on the basis of mysteries of the Protocol concerning the allocation of spheres of influence in Europe Molotov-Ribbentrop Pact portion of ethnic Ukrainian territories of Poland and Romania, the inclusion of these lands to the USSR in the result of these annexations, the Ukrainian Soviet Socialist Republic in particular, received 130 000 km<sup>2</sup> territory and increased its population by more than 7 million people.

4. Polish-Soviet territorial Exchange (1951) is the largest peaceful territorial exchange in the history of Poland and one of the biggest changes of borders in the post-war the history of Europe and the Soviet Union.

5. Occupation and annexation of the Russian Federation of Autonomous Republic of Crimea and Sevastopol (2014) is actually armed aggression Russia aimed at violent wrongful exclusion of the Crimean autonomy and Sevastopol from Ukraine, as well as of their accession to the Russian Federation on the rights of subjects of the Russian Federation. Analysis of the events taking place in Ukraine over the past years, gives reason to come to a conclusion as regards the imperfection of the contemporary principles of international law and on the inability of most Member States, international organizations and supranational entities the world community in General, timely and adequately respond to the harassment of its members, above all, to prosecute.

Sufficient local experience of the annexed lands makes the lessons as quickly as possible and to settle existing conflicts.

It should be fully and accurately set the corresponding qualification of international criminal acts, which for a long time are entered into the annexing territory of the Autonomous Republic of Crimea, as well as on the temporarily occupied territories of Luhansk and Donetsk regions, in this basis to bring to justice, to compensate the damages, according to ensure the process of the reintegration of these lands – components of the administrative-territorial division of Ukraine, to restore the constitutional order, territorial integrity, etc. This is the universally recognized democratic values that the constitutionally enshrined and guaranteed by international legal agreements.

Based on the study of theoretical and historical domestic experience formulated proposals for settlement of the situation prevailing in the annexed of the Crimea, taking into account international legal obligations, the Consitution and legislation of Ukraine, the national interests and the interests of the local population.

*Keywords: Crimea, legal regime, annexation, occupation, temporarily occupied territories, aggression, Russian Empire, Soviet annexation, Russia.*

## DEVELOPMENT OF LEGAL REGULATION OF REPRESENTATION RELATIONS ON THE UKRAINIAN LANDS

The article is devoted to a comparative analysis of representative relations regulation on the territory of Ukraine during the Ukrainian SSR and from the moment of gaining independence. Attention is paid to the provisions of the main acts of civil legislation in force during the specified period.

The regulation of relations of representation in the legislation, which at one or another time acted on the territory of modern Ukraine, was carried out rather inconsistently. First of all, it should be noted that at the level of legislative acts the separation of representation as an independent subject of legal regulation took place rather late – in the second half of the twentieth century. Therefore, the effectiveness of the legal norms governing the relevant relationship directly depends on how strong the normative roots of this institution are. Of course, not least this was due to the limitations that existed at that time concerning the development of trade and civil turnover in general. Therefore, most legal acts were directly committed by actors of such a turnover, and the role and functions of representation were reduced to a contractual representation (a contract of commission and representation on the basis of the law).

Another factor that had a significant impact on the development of relations of representation was that domestic civil law of the Soviet era was derivative relating to the all-Union legislation, which in turn evolved under the influence of the civil law thought that at that time cannot be described as a progressive one.

Analyzing the normative array dedicated to the representation issues nowadays, it should be noted that the system of their legal regulation covers the following issues: definition of the concept and grounds for the representation (Article 237 of the Civil Code of Ukraine); the powers of the representative (Article 238 of the Civil Code of Ukraine); legal consequences of committing a transaction by a representative (Article 239 of the Civil Code of Ukraine); the nature of the re-assignment, its limits and legal consequences (Article 240 of the Civil Code of Ukraine); the legal consequences of committing transactions with excessive powers and the conditions for the emergence of rights and obligations under such acts in the person on whose behalf such a transaction was committed (Article 241 of the Civil Code of Ukraine); a circle of persons who are considered representatives by law (Article 242 of the Civil Code of Ukraine); the essence of the commercial representation, the peculiarities of its emergence and implementation (Article 243 of the Civil Code of Ukraine); the grounds for the emergence of representative relations under a contract of agency and its essence (Article 244 of the Civil Code of Ukraine); the issue of the form of a contract of agency and the peculiarities of its execution by various categories of persons and entities: servicemen or other persons who are being treated at a hospital, a sanatorium and another military medical institution (paragraph 1 of Part 3 of Article 245 of the Civil Code of Ukraine); servicemen at the places of deployment of a military unit, a union, an institution, a military educational institution, where there is no notary or a body performing notarial acts (paragraph 2 of Part 3 of Article 245 of the Civil Code of Ukraine); employees of a military unit, an association, an institution, a military educational institution, where there is no notary or a notary body, members of their families and members of the families of servicemen (paragraph 2 of Part 3 of Article 245 of the Civil Code of Ukraine); persons who are detained in the institution of execution of punishment or investigative isolation (Paragraph 3 of Part 3 of Article 245 of the Civil Code of Ukraine); persons residing in settlements where there are no notaries (paragraph 4 part 3 of Article 245 of the Civil Code of Ukraine); subjects of the right to free secondary legal aid, at the request of which a decision was made to provide such assistance (paragraph 5 of Part 3 of Article 245 of the Civil Code of Ukraine); legal entities (Article 246 of the Civil Code of Ukraine).

The Code also regulates the issue of the term of the contract of agency (Article 247 of the Civil Code of Ukraine), the grounds for the termination and cancellation of the contract of agency (Article 248, 249 of the Civil Code of Ukraine) and the legal consequences of the refusal of the representative from the commission of actions that were determined by the contract of agency (Article 250 of the Civil Code of Ukraine).

Analyzed in the article legal norms seem to be quite a complete system, although, if you look deeper, it is easy to identify some gaps in the mechanism of legal regulation of representative relations concerning the legal consequences of the plurality of representatives, the peculiarities of the commission of transactions by a representative personally on his behalf and their legal consequences, as well as issues of conflict of interests and subjects to which such a conflict may arise.

*Keywords: representation, a contract of agency, contract of commission, representative powers, legal action on behalf of another person.*

## Constitutional Law; Municipal Law

Natalia Kinash

### PRINCIPLES OF CITIZENSHIP: A CONDITION FOR THE STABLE EXISTENCE OF THE STATE

Causing a number of complex problems, on the one hand globalizational, including dynamic integration process of Ukraine's Euro-Atlantic integration and institutional structure, which cause mass migration, and with the second solution the internal problems, in particular regarding the recovery, as a result of the aggression of the Russian Federation, integrity, give rise to serious questions regarding the preservation of citizenship abroad and on temporarily occupied territories.

Thus, Ukrainians living abroad and having the citizenship of other countries, calling on the Ukrainian State does not deprive them of Ukrainian citizenship at the legislative level and allow multiple citizenship for those who help in the fight against Russian aggression and contributes to improving the image of Ukraine in the world.

The article presents a theoretical approach to the analysis of developments in the field of the principles of citizenship. The author states that the principles of citizenship are one of the priorities of constitutional development for Ukraine as a state, which seeks for a stable existence, the implementation of the constitutional obligation to establish and safeguard human rights and freedoms, to create real conditions for their provision both abroad and temporarily occupied territories of the state that predetermined the objective need for scientific and theoretical rethinking of the principles of citizenship by the science of constitutional law.

Particular attention is paid to the interpretation of theoretical developments of scientists regarding the principles of citizenship, their content, functional orientation, the identification of features at the current difficult stage of democratic transformation of the state. In the context of the problem, the characterological essence of the principles of citizenship is defined as the conditions for the stability of the state.

You can make the following conclusions regarding the essence of the principles of citizenship as a condition of the stability of the State:

- Principles of citizenship accumulate, summarize the most important political and legal significant phenomena and processes that are associated with the Institute of citizenship, give it a rating, and is a prerequisite for sustainable development and the existence of a democratic State.

- As a constitutional and legal norms, the principles of citizenship are endowed with normative, which helps them to perform the function of regulating the respective constitutionally legal relations at the Institute of citizenship, both indirectly and directly.

- With the functional side, the principles of nationality directly connected with the regulation of the relevant constitutional-legal relations, guiding influence on State organs, organs of State power, bodies of local Government officials, citizens, etc.

- Principles of citizenship have the source priority and universal character, defining the content of the institute of citizenship;

- The principles of citizenship is not only the national legislation of individual States, but also subject to international legal regulation and constitute an international standard.

- As a particular form of expression of the objective laws of that record in your table of contents is necessary and significant links to the Institute of citizenship, and, given their international legal component, set the following legal order;

- Have application both in doctrinal studies, forming the legal thought and legal culture and practice as evaluation criteria of legality actions of social subjects, and hence also the evaluation of actions country-aggressor in the temporarily occupied territory of Ukraine.

Prospects of the further researches problems are seen in the conduct of scientific and theoretical analysis of the principles of the Institute of citizenship, with the condition of their legal interpretation as a factor of protection and preservation of citizenship Ukraine on the temporarily occupied territory of the State.

*Keywords: principles of citizenship, principles of law, institute of citizenship.*

**Civil Law and Civil Process; Family Law; International Private Law**

Mykhailo Latynskiy

**PUBLIC POLICY AS A COMPLEX CATEGORY IN MODERN PRIVATE INTERNATIONAL LAW**

The article explores approaches to understanding the category of public policy and the reasons for their emergence and evolution in legal science and practice. An analysis of modern legal, political and sociological sources suggests that the notion of «public policy» is used to be understood in the following meanings:

1) public policy as the state of ordering of state-legal relations in the field of implementation of state policy (primarily in the field of administrative and regulatory relations);

2) public policy as an imperative rule that excludes the implementation of agreements between parties implemented in a private-law contract;

3) public policy as the principle based on which the possibility of applying of foreign law is evaluated;

4) public order as a principle based on which the possibility of implementing the regulations of jurisdictional acts of foreign judicial and arbitration institutions is evaluated.

Most scholars of the past considered the public policy as «something global, based on the norms of morality and good manners, or on the public interest. By themselves, the definitions of ordre public and public policy allows us to study this phenomenon not in the context of legislation, but as a separate socio-legal phenomenon». Only the German doctrine used the term «Vorbehaltsklausel», which was substantiated and implemented by Ernst Zitelmann, which was perceived not as something abstract, but as a specific legal norm in the form of a normative rule on the non-application of foreign law. The European codification of the late nineteenth and early twentieth centuries established a public policy as a rule of law in the form of a reservation («public policy exception», French «l'exception ordre public», «vorbehaltsklausel»). At the same time, the order of application and the criteria for determining the norms that constitute public policy should be established by judicial or doctrinal interpretation. Therefore, despite a lot of work around the search for such criteria that was carried out by scholars, legislators and judges of different countries in the twentieth century, the only acceptable and clear view of the conditions for the use of the reservation about the public policy has still not been formed to date. In each case, the main issue faced by a law enforcement body is the volume of the concept of public policy.

Nowadays scholars and practitioners are at least unanimous in the fact that public policy is a principle of law whose purpose is to safeguard the relations and law order established and implemented within a particular community (country and / or group of countries or other state-legal entities).

Though, in the field of private international law public policy stands for:

1) an institution of international private law; 2) an institution of legislation; 3) a legal remedy for conflict-of-law regulation (clause); 4) a principle of PIL and 5) a doctrine within the lore of the PIL.

As an institution of private international law, public policy forms a set of rules of law whose action is aimed at limiting (excluding) the application of foreign law and/or acts of foreign judicial bodies or arbitration courts in cases where their implementation contravenes the basic principles of law and order of the country of the court.

The public order may also be regarded as the institution of the IPL of the legislation, that is, as a set of legal norms regulating the relations associated with the application of the reservation on public policy and the legal consequences of such application.

As to the third value of public policy as a legal remedy for conflict-of-law regulation, it should be noted that in this context, public policy should be considered as a specific mechanism that allows a court (arbitration court) to exclude the application of foreign law and / or refuse the recognition and enforcement of a foreign judgment or arbitration award (clause). At the same time, the public policy, embodied in the norm of law – a reservation, acts as a means of legal regulation, which regulates the relevant relations on the basis of the mechanism of limiting the validity of foreign law or refusal to recognize and enforce foreign judicial (arbitral) decisions, giving the law enforcement body authority to apply such restrictions.

As a principle of PIL, public policy means the basic, initial principles of law order, violations of which are inadmissible using foreign law or the recognition and enforcement of decisions of foreign courts (arbitration tribunals).

Public policy as a doctrine within the framework of the PIL doctrine is a set of positions, concepts, views, hypotheses, provisions and conclusions about the essence of public policy in the PIL, the mechanism of its legal regulation and the procedure for the application of the relevant legal norms, as well as the consequences of such enforcement.

*Keywords: public policy, private international law, conflict of laws rules, ordre public, application of foreign law.*

**Land Law; Agricultural Law; Environmental Law; Natural Resources Law**

Dmytro Fedchyshyn

**ON THE ISSUE OF WAYS TO PROTECT LAND RIGHTS**

As a result of land reform, which is going on for a considerable period, there are changes of relations of land ownership. At the same time, despite the privatization and the formation of the land market, this process has not been completed: most of the land has been temporarily withdrawn from market traffic for the duration of the moratorium, and the formation of the state land cadastre still continues. Today, the question of a successful choice of the way of protection is acute, because often there is a conflict of interests, for example, of the person, who privatized the land plot in accordance with the law, and the other person, who purchased the same land plot from another person.

In the legal literature, the «way of protection» is considered as a legal measure stipulated by the law or agreement, by means of which a person, whose subjective right is violated, not recognized or disputed, has the opportunity to terminate its violation, to restore it and thereby exercise the subjective right to protection.

Ways to protect land rights are quite different in content and conditions of use. Some of them are directly aimed at protecting the ownership of a land plot or land use rights, others indirectly.

For the domestic legal system, it is traditional to distinguish between so-called «general ways of protection», which are characterized by the universality of application, and «special ways of protection», which are used in certain cases. General ways to protect property rights or interests are defined in Article 16 of the Civil Code of Ukraine and Article 20 of the Commercial Code of Ukraine.

According to Article 152 of the Land Code of Ukraine protection of the rights of citizens and legal entities to land plots is done by means of: a) recognition of rights; b) restoration of the land plot to its condition prior to the violation of rights and prevention of actions that violate rights or present the threat of violation of rights; c) declaring an agreement invalid; d) declaring decisions of the executive power bodies or local self-government bodies invalid; e) compensation for the incurred losses; f) using other methods provided for by law. This article deals with general, but not special ways of protection of land rights. Some articles of the Land Code of Ukraine and other land laws do not always add certainty to the composition of these ways. The above list of ways of protection is not exhaustive, which follows from the contents of this article.

Special are those ways of protection of land rights, which are contained in special norms. For example, special ways of protection are variations of the legal relationship, provided by the land legislation – the termination of the land lease agreement at the request of one of the parties (Article 32 of the Law of Ukraine «On land lease»), an incentive to conclude a contract of sale of land plots (the existence of such a way of protection follows, for example, from Part 10 of Article 128 of the Code of Ukraine), an incentive to transfer the land plot to ownership of a farm (Part 4 of Article 7 of the Law of Ukraine «On Farming») and so on.

At present, there is a need to improve the normative definition of a list of ways to protect the rights to land. The expediency of the existence in the Land Code of Ukraine of a list of general ways of protection is absent, since such a list is already provided for by the Civil Code of Ukraine. In addition, there is a need to establish special ways to protect subjective rights to land. At the same time, it seems that such ways of protection should be established in the regulation of certain types of land relations (for example, in relation to privatization of land of state and communal property, on the compulsory alienation of land plots on grounds of social necessity and for public needs, etc.). In those cases, where the legislator does not foresee the need for a special way of protecting rights, he leaves this issue without special regulation, which automatically implies the application of general ways of protecting rights. However, if there is a need for a special way to protect the rights, it should be stipulated in the norm that regulates these relations.

*Keywords: land rights, protection of land rights, ways to protect land rights, general ways to protect land rights, special ways to protect land rights.*

**Administrative Law and Administrative Process; Financial Law; Informational Law**

Halyna Andrushchenko

**COMPONENTS OF BUDGET LEGISLATION IN FOREIGN COUNTRIES**

Budget legislation is an important part of the financial legislation of Ukraine, which has its own characteristics and composition. Budget legislation, as well as financial, is constantly changing, is improved taking into account the development of relevant legal relationships and experience of foreign countries.

Representatives of financial and legal science and other scholars, paid attention to the analysis of budget legislation of Ukraine, its components by outlining these issues in textbooks, manuals, comments on the Budget Code of Ukraine. History shows that without understanding the essence of the budget legislation of developed countries, it is impossible to clearly focus on existing problems, determine the directions of borrowing their positive experience and formulate theoretical conclusions and proposals on improving the legal acts related to budget issues in Ukraine at the present stage.

In foreign countries, like in Ukraine, the budget legislation includes the Constitution and other regulations that contain rules relating to budget issues. Most of the constitutions of foreign countries contain features of the budget process, the powers of the relevant actors in this area, because it is precisely on the clarity and unchanging nature of these rules that the timeliness of adopting the state budget, its quality depends on the clarity and unchanging nature of these norms. But there are few such rules, they mainly relate only to general budget issues, which are further elaborated in separate regulations, in particular, in codes, decrees, organic laws, etc. Thus, in France, fiscal legislation consists of a constitution that is not rich in terms of finance, budget and budget process. The Basic Law or the Constitution of Germany defines the role of the main subjects of the budget process, defines the responsibilities of the federation and the states (states) in the budgetary sphere. In contrast to the legislation of other foreign countries, including Ukraine, the general principles of the budget process are clearly elaborated in the German Constitution. Constitutional Acts of Canada and New Zealand define the powers of the Parliament in the budgetary sphere. The US Constitution regulates the budget process, defines the principles that are the basis of the budget system. Quite interesting is the fiscal legislation of Scandinavian countries such as Denmark, Norway, Finland and Sweden, whose constitutions usually outline the role of the main subjects of the budget process – the Parliament and the Government.

In addition to the constitutional acts of the components of the budget law of foreign countries, there are other laws and regulations. For example, in France, the main regulatory act that deals with budget issues is the Organic Law; in Germany – the Budget Code, the Law on the Principles of the Budget System; in New Zealand – Law on Public Finances; in Finland – State Budget Act; in Sweden, a budget act (the law) (in our understanding – this is the budget code). It should be noted that there are no specific basic laws in Canada, Denmark. The USA has the largest number of laws on fiscal legislation, due to the fact that the US Constitution provides for the existence in each state of its own Constitution and budget legislation.

A comparative analysis of legislation helps developers of codes or separate laws of different countries take into account positive foreign experience. Consideration of constitutional acts of foreign countries, testifies to different approaches of the states to the regulation of issues concerning the budgetary sphere. We propose that it is necessary to consolidate the main principles of the budget process in the Constitution of Ukraine in a separate section «Public Finances», in particular, the timeliness of adopting a normative act on the budget, as well as in general outlines the types of liability of the relevant entities for violating the terms of its drafting, review and approval. It is advisable to borrow experience from Canada (in the province of which there is a Law on Financial Liability and Budget Balance), the United States (there are: the Law on Combating Deficit, the Law on the Responsibility of Federal Managers in Financial Issues, the Law on Balanced Budget and Deficit Control, the Law on Budgetary Discipline ), New Zealand (Fiscal Responsibility Act) on the existence of a separate regulatory act that addresses the features of budget balance, means and means of combating deficits and finances Second assumption of responsibility for imbalance budget and detailing accountability of the budget process.

*Keywords: budget legislation, components of budgetary legislation, constitution, budget, budget law.*

## PROCEDURAL STATUS OF THE BODIES OF STATE FINANCIAL CONTROL IN ADMINISTRATIVE AND DELICT PROCEEDING

The Code of Ukraine about administrative offences operates terminus «organs, in commission to take shipping about administrative offences», «persons which have a right to draw up reports about administrative offences», «persons which take part in realization on cases about administrative offence». Agencies of state financial control, them public servants can be presented in all noted categories.

By the subject of realization in cases about administrative offence a person which in connection with bringing in to administratively deliktual spheres enters in administratively deliktual legal relationships is given out, acquiring here judicial rights and carrying out judicial duties in realization about administrative offence.

In to administratively deliktual process expediently, with the purpose of terminology clarification and making of base categories in the theory of right, to use the analogical going of science of criminal process near development of judicial functions, in the context of determination of his subjects. Also there is a necessity of selection of category «subjects of realization in matters about administrative offences» («subjects administratively deliktual realization») under which it is suggested to understand the participants of realization and public organs, public servants which examine and decide businesses about administrative offences. To the participants realizations belong his sides (from the side of pursuit: organ, public servant which draws up a report about administrative offence, suffering, his representative; from the side of defense: person which is attracted to administrative responsibility, his defender) and persons, brought over to administratively deliktual realization, in particular, for the grant of help sides, assistance, in feasible realizations.

Judicial status of organs of state financial control in to administratively deliktual realization determines the limits of their conduct in business about administrative offence. A judicial legal capacity and capability in agency of state financial control arises up from the moment of exposure of signs of administrative offence.

The right and duties organs of state financial control in matters about administrative offences do not have the generalized fixing, but swim out from the orders of the proper laws, Code and Order. Agency of state financial control right: draw the record about administrative offence, to poll persons; to get necessary information, documents, withdraw the last; to invite in the organ of state financial control a person which is attracted to administrative responsibility; to cause the workers of the National police of Ukraine, which take measures, illegal actions directed on a removal; to consider business in absence of person, which is attracted to administrative responsibility, in cases, statutory; to exact administrative in the type of fine; to make decision about the release of violator from administrative responsibility, limited to the verbal remark (at confession of offence unimportant).

To the duties of organ of state financial control in to administratively deliktual realization it is taken: to send protocol about administrative offence after jurisdiction of consideration of case; to hand the copy of protocol about administrative misconduct a person which is attracted to administrative responsibility; to conduct registration in the magazine of account of materials on case about administrative offences or in the magazine of account of protocols about administrative offences; to reveal to the person which is attracted to administrative responsibility, about time and place of consideration of the case excited in relation to it about administrative offence; full, objective and impartiality to probe all the circumstances of business; to adhere to the judicial form of consideration and registration of business about administrative offence; to close realization at presence of statutory grounds; to pass to materials the public prosecutor or organ of pre-trial investigation (at presence of signs of criminal offence); to prepare a covering letter about the transmission of business about administrative offence in a court.

Judicial status of the Account chamber in to administratively deliktual realization, as a subject of function of administrative pursuit, needs separate normatively legal adjusting.

The Agencies of state financial control can have in to administratively deliktual realization judicial status of a victim, witness, person which is attracted to administrative responsibility.

Illegal of actions (to inactivity) of persons which carry out official duties in the agency of state financial control can show up in two directions: (1) feausance of any administrative offence,

unconnected with implementation by it the official duties (then a person has general judicial status of person which is attracted to administrative responsibility), and (2) feasant of administrative offence, related to the corruption a person.

Thus, summarizing, it follows notices multidimensionality of participation of agencies of state financial control in to administratively deliktual process and attributing of them to the different categories of subjects last, depending on implementation of judicial function in case about administrative offence.

*Keywords: bodies of state financial control, administrative and delict process, proceedings in cases of administrative offenses, procedural status, rights and obligations, subjects of administrative and delict proceedings.*

## THE PRINCIPLES OF ENSURING OF THE INFORMATION SECURITY

The article reveals the principles of legal regulation of and ensuring of information security, fundamentals the development of the information society, the national information space. Attention of compliance data of fundamental principles of the existing norms and principles of international legal regulation in this sphere, etc.

Considerable attention was paid to course, and continues to study these categories as «information», «information and communication technologies», «information society», «information space», «the information civilization», «information security», «State information policy», etc. Remarkably, this attention is observed in different fields of modern science-technology, and natural science, the public, etc. Representatives of modern legal science also do not stand on the sidelines in the information sphere. Therefore, you should focus on a particular scientific interest to the theoretical, legal, philosophical, legal, criminal law, international law and other aspects of the formation and development of the information society.

Analyzed a number of normative legal acts of Ukraine, namely the Constitution of Ukraine, law of Ukraine «On the basis of the development of the information society in Ukraine at 2007–2015 years» (2007), «On the basis of ensuring cybersecurity Ukraine» (2017), «On the national security of Ukraine», Strategy of development of the information society in Ukraine, approved by the the order of Cabinet of Ministerso Ukraine (2013), and others.

So, information security is defined as the status of the protection of vital interests of a person, society and the State in which the prevention damage due to: incomplete, information is used; negative information influence; the negative effects of the application of information technology; unauthorized distribution, use and violation of the integrity, confidentiality and availability of information.

Depending on the object of impact information security are divided into: – information security person; – information security society; is the information security of the State.

Information security is important to understand the person as the condition of security directly to human health in the context of the consequences of the negative influence of information, in case the latter may have a destructive impact on the perception of reality as a result of the abuse. Information security society is reflected in the constitutional provisions. Yes, art. 17, defines the information security as one of the most important functions of the State and placed the responsibility for her protection of the entire people of Ukraine; art. 34 the Constitution of Ukraine States that «everyone has the right freely to collect, store, use and disseminate information orally, in writing or in another way – at your choice. Information security of the State is considered from the point of view provided by the respective entities of the State authorities, necessary for the implementation of the law provided by activity, competence.

Among the principles of information security note:

- the priority of the rights, freedoms and legitimate interests of the person and the citizen;
- the rule of law, equality of all subjects of legal relations before the law;
- the responsibility of the State before the person for their activities;
- a comprehensive approach to solving tasks of information security;
- Unity and interconnection directions of information security;
- delimitation of the responsibilities and powers of State bodies and bodies of local self-government on issues of information security;
- participation in the international and regional systems of information security;
- efficiency, timeliness, prevention and adequacy of measures for the prevention and protection from external information threats and neutralizing the sources of internal information security threats;
- the principle of priority in Contracting (peaceful) means in solving the information conflicts;
- the interaction of public and private information security;
- continuous protection, mobility and responsiveness of the system of information security, a variety of protective means and methods;
- economic efficiency;
- creation of a single integrated mechanism of national information security.

So, are the principles of information security are fundamental and original principles of the creation, functioning and development of the system of information security in the context of an integrated national security system, and the system of international collective security.

*Keywords: information societies, information and communications technology, information security, principles, basis, legal foundation, ensuring.*

## Criminal Law and Criminal Process

Tatiana Barabash,  
Liudmyla Levytska

### THE LAW MAKING REALITIES OF REFORMATION IN THE SPHERE OF CRIMINAL RESPONSIBILITY AND CRIMINAL PROCEEDING: MODERN STATE AND PROSPECTS

One of basic internal functions of the state there is counteraction criminality, and efficiency of its realization in a great deal determines efficiency of functioning of state power in general. For this reason the determining task of public policy on the modern stage was become by the maximal concentration of efforts of all branches of power and organs of local self-government on complex realization of economic, legal, organizational measures on limitation of all types of criminal displays.

Activity of the state in relation to humanizing and democratization of criminal law policy, overcoming of negative consequences of the repressive system of the legal proceeding, is predetermined necessity of subsequent reformation of criminal legislation of Ukraine for direction of strengthening of defense of rights and freedoms of man in accordance with the requirements of international legal acts and guarantee state before the European and world concord.

The objective indicator of observance of rights and freedoms of man and citizen is the permanent monitoring of directions of improvement Criminal and Criminal judicial codes of Ukraine, realization of their positions, in investigation, intelligence, judicial, to criminally executive activity, correlation of scientific achievements and law making suggestions.

Reform of justice, from between other, provides for update and going near the criminal policy of the state.

Bringing of conceptual changes in a judicial legislation and one of tasks of reform in this sphere is unity of practice in relation to judicial institutes, presence of not unanimous opinions of scientists and practical workers in relation to those or other criminal judicial law provisions – induced Committee of Verkhovna Rada of Ukraine on questions the legislative providing of law-enforcement activity to creation of working group on the system update of orders of the operating Criminal code of practice of Ukraine (100 representatives of law enforcement authorities, office of public prosecutor, public organizations, and also legislators, Ukrainian and international experts among which and representatives of Institute of legislation of Verkhovna Rada of Ukraine and Consultation mission of European Union, entered in composition).

The improvement of the Criminal code of practice is planned after directions: generals, procedure of application of measures of providing of criminal realization, trial, are in all instances of justice and implementation of court decisions, perfection of institute of the simplified order of investigations of criminal offences (criminal misconduct) and increase of efficiency of pre-trial investigation. Reform of organs of law and order also needs row of changes in Code: formation of detectives in the National police, creation of the differentiated procedure of investigation of crimes depending on a degree them public danger, clarification under investigation of the State bureau of investigations.

Intentions in relation to introduction of criminal misconducts are already represented in projects «About making alteration in some legislative acts of Ukraine in relation to simplification of pre-trial investigation of separate categories of criminal offences». Thus, the format of introduction of criminal misconducts did not find unanimous support among a scientific association and practical legislators-workers.

During work of eighth session of eighth convocation activity of parliament is in relation to the improvement of positions criminal and criminal judicial laws traditionally characterized insignificant activity. In the Criminal code twice made alteration and additions, and in the Criminal judicial code - one time.

According to plan of projects of legislative acts, included in an order-paper the eighth session of Verkhovna Rada of Ukraine of eighth convocation, in the field of providing of realization criminal policy it is foreseen to consider the row of questions, in particular, clarification of criminal judicial law provisions through ratification of Third additional protocol and Fourth additional protocol to European convention about delivery of offenders; simplification of pre-trial investigation of separate categories of criminal offences.

Summarizing, it follows to mark that making alteration in criminal and criminal judicial in laws needs system and concentration efforts of members of parliament, scientists, practical workers, and public. Basic problem questions in the field of improvement of the Criminal code and Criminal code of practice are seemed by the judicial mechanisms of providing of activity of all law enforcement and judicial authorities, for the sake of efficiency of pre-trial investigation, his simplification and gaining end justice, and also forming of institute of criminal misconduct.

Consequently, work on reformation of legislation in the field of the legal providing of guard of rights and freedoms of man and citizen, property, public peace, and others like that from criminal trespasses, bringing in, to criminal responsibility, lasts optimization of realization of criminal realization and presently.

*Keywords: penal law, penal judicial law, Criminal code, Criminal code of practice, reformation, project of law, improvement.*

## ECONOMICS

Liudmyla Brazhnyk

### STATE DEBT OF UKRAINE: FORMATION PROCESS AND MANAGEMENT METHODS

Over the past year, the issue of public debt remains an urgent financial issue, and the amount of debt characterizes how the state of the financial system reflects how effective the government policy is.

Considering the historical retrospective of the process of forming the state debt of Ukraine, eight main periods are distinguished.

The first stage (1991–1994) was marked by a credit expansion of the National Bank to cover public expenditures, unsystematic nature of external borrowing and was carried out through the provision of state guarantees to domestic economic agents for foreign loans and the settlement of debt relations with the Russian Federation.

The second stage (1995–1996) – an increase in borrowings on the domestic market, through the issuance of domestic government bonds. The source of external debt formation was international financial organizations such as IMF, IBRD, EBRD, etc.

The third stage (1997 – first half of 1998) – there was an increase in borrowings both on the domestic and foreign capital markets, which Ukraine did not reach only in 1997. Thus, in 1997, Ukraine received the first external commercial loan, although external borrowing to finance the state budget deficit amounted to only 33 % of the planned volume.

Fourth stage (1998–2000) – restructuring of part of the state debt of Ukraine was carried out, by replacing the bonds and extending the payment period. This period was characterized by a significant negative balance of payments.

The fifth stage (2001–2007) is a balanced and consistent debt policy, strengthening control over the dynamics of government debt, which facilitated the gradual repayment and restructuring, which made it possible to reduce the ratio of the ratio of government debt and GDP to 2006.

The sixth stage (2008–2010) – a sharp devaluation of the national UAH, as a result of the intensification of the global financial crisis, has led to an increase in the size of public debt. External borrowing was mainly through MFIs and official loans.

Seventh stage (2011–2013) – active implementation of reforms in the budget sphere was implemented, which contributed to the slowdown of debt growth. The Cabinet of Ministers approved the Medium Term Strategy for the Management of State Debt for 2011–2013, which set tight fiscal guidelines.

The last eighth stage (2014 – to this day) – there has been a rapid increase in the size of the state debt due to economic and political aggravation in Ukraine. The reduction of the state guaranteed debt, indicated a limitation of the ability of the state to service debts in the event of default. The period is characterized by significant debt load, as well as a sharp decrease in gold and foreign currency reserves, a decrease in long-term and short-term credit ratings of the country.

To increase their debt to the country is not infinitely capable, due to the fact that at reaching a certain level of debt, investors and lenders begin to doubt the ability of the state to fulfill its obligations in a timely manner. The country's solvency, in turn, depends on the refinancing rate and the level of economic growth of the economy, that is, the refinancing rate should be lower than the growth rate of the gross domestic product, which characterizes the probability of borrowing the country in the long-term.

In general, the level of debt load in modern conditions remains high and exceeds the «safe» value. Studies show that by 2007, the ratio of aggregate government debt to GDP declined steadily and reached 12.3 %, indicating a weighted government debt policy. However, since 2008 there has been a sharp increase in this indicator due to the deployment of crisis phenomena and an increase in the needs of the country in borrowing. The period from 2014 to the present day is characterized by exceeding the critical level. The peak date was 2016, when the value of the ratio of total government debt and GDP was 81.0 %.

The National Bank of Ukraine expects in 2018 to reduce the size of the public debt and predicts it at 70 % of the planned GDP. At the same time, the Ministry of Finance informed about the growth of this indicator, according to the adopted budget, to 82.4 %.

The methods of public debt management used in different countries of the world, in particular: refinancing, restructuring, cancellation and cancellation of debt, conversion, securitization, etc. are defined and described.

A promising direction for further research is the optimal debt policy, which should be aimed at holding such amounts of borrowing, which are necessary for solving primary socio-economic problems, as well as to promote the development of the economy as a whole.

*Keywords: debt policy, debt burden, state debt, solvency of the country, restructuring, refinancing, public debt management.*

Nataliia Zghadova,  
Volodymyr Dzhumelia,  
Larysa Marchuk

## STRATEGIC BENCHMARKS OF THE STATE POLICY OF COUNTERACTION TO THE SHADOW ECONOMY IN UKRAINE

The basis of any state policy is strategic guidelines, which must be secured by the relevant institutional structures. Taking into account the basic requirements of modernity regarding the social and economic development of Ukraine, it is expedient to develop a strategy to counter the shadow economy. Based on the views of scholars, the strategy of counteracting the shadow economy should be understood as a complex of the most significant decisions aimed at providing the appropriate level of the shadow economy in the context of implementation of the corresponding state programs. That is, the strategy of counteracting the shadow economy is a long-term forecast of a comprehensive solution to the problem of balanced, taking into account socio-economic aspects, economic development and improvement of the general state of society. Within the framework of such a strategic document, key directions of the structural transformation of economic relations are taken into account, which take into account the imperatives of balanced development.

The purpose of the paper is to substantiate the scientific-methodological and practical principles of forming a strategy for counteracting the shadow economy in Ukraine.

Implementation of measures developed in the process of strategic planning and approved by the appropriate procedure should ensure effective and timely response to the threats that arise in the process of development of the shadow economy, the readiness of the mechanism for implementation of the state policy of counteraction to the shadow economy to fulfill its assigned tasks and functions. To form a mechanism for implementation of the state policy of counteracting the shadow economy, one must take into account the set of initial data: the results of the analysis of the current state and trends of the socio-economic situation on the domestic and international markets; Results of the analysis of the state and dynamics of the level of the shadow economy in Ukraine and its components; the purpose and tasks of the mechanism of implementation of the state policy of counteraction to the shadow economy in Ukraine; other output.

In our opinion, the important measures of strategic planning of the mechanism of implementation of the state policy of counteracting the shadow economy in Ukraine should include: 1) determining the principles of the state policy of counteracting the shadow economy in Ukraine; 2) determining the directions of avoiding destructive manifestations of the shadow economy; 3) development and implementation of the levers of the state policy of counteraction to the shadow economy; 4) identification of public authorities whose functioning should ensure implementation of the state policy of counteracting the shadow economy; 5) development and implementation of state mechanisms for counteracting the shadow economy; 6) planning of the necessary volumes and sources of funding for the mechanism of implementation of the state policy of counteraction to the shadow economy.

Thus, strategic planning, as an important stage in the functioning of the mechanism for implementing the state policy of counteracting the shadow economy, consists in developing strategic, organizing, orienting and unifying strategic decisions aimed at achieving the main goal, which in turn requires the balance of all components, which we propose to combine into three parameters: organizational-functional, administrative and managerial, resource.

In our opinion, the main priority directions of effective formation and implementation of the Strategy of counteraction to the shadow economy are: the formation of transparent and accessible mechanisms of lending to business entities; improvement of financial incentives to expand the use of innovation-investment banking resources; activation of effective mechanisms for the development of the real and legal sectors of the economy; settlement of issues of completeness and timeliness of social payments; Wage indexation and control over this process; neutralization of the payment crisis; activation of innovation and investment processes; raising the level of qualification of management personnel of business entities; organization of scientific and methodical support for the development and implementation of business plans and innovation and investment projects; reforming the regulatory framework for managing the activities of economic entities in the direction of neutralizing opportunities for the development of the shadow economy.

Consequently, the proposed measures to realize the goals and objectives of the Strategy to counter the shadow economy will have a stabilizing and countercyclical effect for the national economy, which will contribute to the country's sustainable development with a multiplicative effect for the future. Based on a well-founded goal and objectives, the Strategy for counteraction to the shadow economy should include the following comprehensive stages. At the first stage, the conceptual foundations of the Strategy are formed, the rules, procedures and principles of the Strategy are formulated as one of the tools for achieving the goal, as well as approaches to organizing the mechanism for implementing the state policy of counteracting the shadow economy. At the second stage, the evaluation of alternatives to the Strategy implementation is carried out. The third step is to manage the changes in the Strategy implementation in the context of risk management (related to different factors in the implementation of strategic changes) and to activate all the components of the state policy on its implementation. At the fourth stage, resource support for the Strategy implementation is planned for its satisfactory implementation, and the evaluation of the results of the implemented measures is carried out. At the fifth stage an evaluation of the Strategy implementation is carried out in order to determine the level of effectiveness of the achieved result and control over the fulfillment of the specified tasks. It should be noted that all five stages of the development and implementation of the Strategy to counter the shadow economy should be accompanied by the control function of the responsible government body.

*Keywords: state policy, mechanisms, strategy, socio-economic development, shadow economy.*

Ivan Myshchak,  
Genrikh Kazarian

## SPECIALIZATION OF INSTITUTIONAL REGULATION OF SOCIALLY-ECONOMICAL CARE OF PERSONS WITH DISABILITIES

With the transition of Ukraine to a new level of the development of a market economy, the main problem is construction of a new social and economic system, which should be an integral part of national policy. This is due to the fact that in a market environment, each individual has to ensure his welfare and the welfare of his family independently. We can define the policy of a modern state as a set of the social and economic measures of the state, enterprises, organizations, local authorities, aimed at protection of the population from unemployment, raising prices, savings depreciation, etc. The object of this policy is the social and economic relations regulated by the relevant institutions that form the basis of society, and the subject is the state, political parties, and public organizations. In the period of the restructuring of economic relations, the poorest segments of the population suffer the most from these processes. Therefore, during the transformation of the economy, the general social problem of the social and economic provision of both population as a whole, and its most vulnerable classes, persons with disabilities is becoming relevant.

Taking into account the institutional component, it is expedient to substantiate separately the most important elements of the social and economic provision, that is, economic and social components. The economic component includes the following: development of social and economic programs; payment of material assistance; provision of social assistance, benefits; indexation of cash incomes of citizens; provision of population with privileged loans, etc.

The revenue part of the State Budget contains that part of the value of GDP, which in the process of distribution and redistribution of income and accumulation can be directed to the development of the state economy, social protection of population, social and cultural measures, defense and management needs.

Formation of the social and economic system of a new model is connected with the reform of the current social and economic policy. In the context of market transformations, many measures have already been implemented in Ukraine, among them the following: liquidation of the administrative-command and distribution control system; liberalization of economic and foreign economic activity; democratization of labor relations. The structures such as the non-state sector of the economy, financial and banking structures, currency, and stock markets have been formed. At the same time, due to the breakdown of economic ties and other circumstances of a political and economic nature, production volumes of the main branches of the national economy have decreased significantly, unemployment has increased, social infrastructure has been destroyed, and energy shortages have appeared. As a result, arrears of salaries, pensions, scholarships, and other social benefits have increased; level of labor and social rights and guarantees of citizens has decreased. In order to improve the financial situation and living conditions in Ukraine, the following measures are taken: implementation of an active employment policy; reformation of the system of pensions and social insurance, social assistance, targeted assistance to low-income citizens, social protection of Chernobyl victims.

It has been proved that a socially active person with a disability is more satisfied with life and reaches a higher level of quality of life in comparison with those people who are not able to keep an active lifestyle, which often leads to unemployment, and as a result - to poverty, low standard of living, social maladjustment.

Thus, in our opinion, it would be advisable to link the notion of quality of life not only with the limitation of health, but also with limitation of vital activity, since it is the level of restrictions that is formed on the basis of physical indicators and due to the state system of overcoming restrictions at all levels, becomes a decisive category in determining the characteristics of quality of life. Therefore, it would be advisable to use the term «quality of life connected with limitation of vital activity», which means an integral characteristic in assessment of level of the social and economic provision of persons with disabilities, which takes into account the level of education, employment, inability to carry out daily activities by the means and in the amount that is usual for a person who creates barriers in the social and economic environment, makes him feel uncomfortable in comparison with healthy people and manifests itself as a partial or total loss of ability to self-service, movement, orientation, communication, learning, behavior control, as well as a significant limitation of the volume of work

activity, lowering qualifications and leads to social maladjustment as one of the most important factors determining the quality of life.

The main objective of institutional regulation of the social and economic provision of persons with disabilities is their maximum integration into the social and economic system by guaranteeing them equal opportunities with all other citizens to participate in the economic, political and social spheres of society life, creation of the necessary conditions for keeping a full lifestyle according to individual abilities and interests. In our opinion, the main vector of the development of scientific views on the problem of institutional regulation of the social and economic provision of persons with disabilities is determined by the following factors: 1) a model of a socially oriented state, which implies the creation of the necessary habitat for the persons with disabilities and their active social and economic attraction, requires a change in the paradigm of institutional regulation. At the same time, an active integration of people with disabilities into the social and economic system is possible, first of all, through the implementation of a set of measures on: medical and social insurance, labor and professional rehabilitation, development of inclusive education; 2) unpreparedness of the domestic market to use the labor force of such quality and competitiveness that impedes the attraction of people with disabilities to the sphere of labor activity, and, therefore, their social and economic provision.

*Keywords: institutional regulation, persons with disabilities, disabled people, social and economic support, state policy.*

Anatoliy Livinskiy

## IMPROVING THE MECHANISM OF INNOVATIVE DEVELOPMENT OF AGRICULTURAL PRODUCERS IN UKRAINE

*Formulation of the problem.* The current crisis not only in agricultural production, but also in the economy as a whole can not be overcome only by the system of management of agrarian production. Livestock is one of the most complicated complexes among other branches of the agrosphere, whose development largely depends on food security of the country. Therefore, the livestock system, which integrates the solution of the entire complex of problems of increasing the volume of production of livestock products, their preservation and improvement of quality in the market conditions, should represent scientifically grounded models of organization of rational construction of agricultural production of livestock products and other related industries. Solving the problems of the development of livestock enterprises requires an integrated approach, the formation of a unified strategy and mechanism based on cross-sectoral integration and activation of innovative processes.

*Analysis of recent research.* The scientific research of the domestic scientists is dedicated to the research of the problems of the development and functioning of the livestock industry in Ukraine S.P. Azizova, V.I. Arancii, V.I. Boyko, O.V. Mazurenko, V.Ya. Mesel-Veselyak, P.T. Sabluka, I.S. Tronchuk and others. The first to analyze the peculiarities of livestock development in Ukraine, were O. Borodina, S. Mastro, O. Mogilny, G. Mostovy, M. Latinin, M. Koretsky, O. Salamin, G. Cherevko and others. The significant contribution to the substantiation of the conceptual foundations for improving the mechanism of management of innovative development of the agrarian production. Was made by I.Yu. Grishova, L.E. Dovgan, M.I. Malik, O.B. Naumov, T.L. Shestakovska and others. However, repeated attempts of transformation in the agrarian sector and agricultural production, as you know, did not justify themselves. Among the many reasons for this – the implementation of very cautious and very limited in essence and forms of improvements on their basis, mainly through organizational and structural transformations, which are the easiest to implement.

*Setting the objectives.* The purpose of the article is to analyze the current state of livestock functioning in Ukraine and develop methodological approaches to the formation of an effective mechanism of its innovatory development.

*Presenting the main material.* The current mechanism of development of production and economic activity of livestock enterprises is costly, it does not stimulate structural transformation and productivity growth, does not interest producers in the development of livestock, and processing enterprises – in non-waste, integrated processing of raw materials. The reasons for this situation are: the lack of common economic interests from the partners in the production and bringing the final product to the consumer, the inequality of the inter-industry exchange, the absence of civilized competition, ignoring the basic law of the market economy in accordance with demand and supply, the imperfection of the mechanism of economic stimulation, financial and credit system, pricing.

The interrelationships between enterprises are established to compensate organizationally torn intercommunication links. They are due to the deepening of specialization and increased concentration of production, acting as a regulator of activity of enterprises, providing for the conformity of production programs between technologically related enterprises, the maneuvering of productive resources, redistribution of final results of activities.

The problem of economic relations embraces a system of different forms of interconnections, which are aimed at implementing economic methods and provide each enterprise with economic interest in more efficient production of the final product. Therefore, the economic relationships between agricultural and processing enterprises should lead to a high final result based on the balanced development of a particular product subcomplex. As before, there are no rational economic relations, inter-balancing economic interests between agricultural and processing enterprises.

Given the unique properties and the leading place in the structure of agrarian production, it is important to carry out a comprehensive study on livestock development, to create favorable investment conditions and to prevent the loss of production. Ukraine has great potential for the development of the livestock industry. Southern and central areas have large pastures and labor resources for the development of livestock.

In 2016 the level of profitability of production by agrarian enterprises in general was 37.3 % (in 2015 – 45.6 %), including livestock production – 7.7 % (in 2015 – 22.1 %) (Table 1).

Table 1

## The cost and profitability of production by livestock enterprises

	Cost of production 1 ts of livestock products, UAH		The level of profitability (loss- making) of livestock production, %	
	2016	in% until 2015	2016	2015
Crop and livestock production	X	x	37,3	45,6
Livestock products	X	x	7,7	22,1
Cattle for meat	3231,1	111,1	-24,9	-17,9
Pigs for meat	2246,8	112,3	-4,6	12,7
Sheep and goats for meat	3793,5	121,9	-35,3	-29,6
Bird for meat	1319,5	112,1	4,9	-6,1
Milk	432,8	122,6	18,4	12,6
Chicken eggs, 1000 pcs	1077,5	138,2	0,6	60,9
Wool	3170,7	89,7	-31,8	-61,9
Other livestock products	X	x	70,2	67,3

According to the State Statistics Service of Ukraine, the average profitability of livestock products (except for small enterprises) in Ukraine (excluding the temporarily occupied territory of the Autonomous Republic of Crimea, the city of Sevastopol and part of the zone of the anti-terrorist operation) in 2016 amounted to 7,7 %.

Cost-effective in 2016 for livestock owners was the production of chicken eggs (0.6 %), milk (18.4 %) and poultry (4.9 %). At the same time, agricultural enterprises engaged in raising cattle, pigs and sheep for meat have received significant losses. As a whole, the enterprises of the industry received 32 billion UAH income for the sold products. (Table 2.).

Table 2

## Livestock production, mln. UAH

Years	Facilities of all categories		Including			
			agricultural enterprises		households	
	agricultural products	from it livestock products	agricultural products	from it livestock products	agricultural products	from it livestock products
2010	187526,1	66934,7	90792,0	25931,4	96734,1	41003,3
2011	225381,8	67819,9	117110,9	27538,0	108270,9	40281,9
2012	216589,8	70746,2	110071,7	29609,1	106518,1	41137,1
2013	246109,4	73978,2	133683,1	32386,1	112426,3	41592,1
2014	251427,2	73719,3	139058,4	33528,9	112368,8	40190,4
2015	239467,3	71028,3	131918,6	32333,9	107548,7	38694,4
2016	254640,5	69588,4	145119,0	31726,4	109521,5	37862,0

To move to intensive livestock farming practices on an industrial basis, a scientifically grounded system of measures is needed to implement this trend in the industry, based on advanced domestic and foreign experience. In many enterprises livestock breeding develops without the use of innovative techniques for intensifying the industry. In the field of livestock breeding today there are a lot of intensive technologies, but they are often not followed: partly because of the lack of conditions, and sometimes because of the unpreparedness of managers and specialists of enterprises. In other words, there is not a shortage of technologies, but people who know and implement these technologies – in order to lead the industry on a scientific basis. After all, the complex tasks of the renovation of production require special knowledge.

Beef is one of the main sources of satisfying the needs of the population in meat. On average, its country's share in the meat balance varies between 44–46 % over the years. In Ukraine, the average annual production of beef must be increased to 60% of the total meat production in the country.

The breed composition of cattle convinces that, first and foremost, the increase in beef production should be achieved by the intensive growing of fattening young racemated breeds and the rational use of livestock capable of producing good growth energy and giving high quality meat. When breeding mainly the livestock, of the lactation direction, expecting 1 head of cattle is 72 kg. With a general consumption of about 70 kg of meat, per capita, the proportion of beef does not exceed 30 kg, which is 1.5 times less than normal.

The main reasons for the low level of beef production are the extensive methods of conducting the industry, resulting in the potential of cattle in Ukraine used for growth energy by half, and by weight – by 70–75 %. The proportion of cows in the string is only 33 %, whereas in developed livestock countries this figure is brought to 43–45 %. The average daily gain of weight of young cattle, counting on 1 head is in 1.8–2 times below the potential of breeds. The live weight of the livestock when sold on meat is on average below 400 kg. Moreover, 15 % of it is below average fecundity and thin.

It is possible to overcome these and other problems only on the basis of an integrated approach, by putting and solving a large set of issues:

1. The transition to the development of APV on scientific concepts. It is generally accepted that a comprehensive scientific concept should be based on large-scale, long-term prospects and a great socio-economic result of transformations. However, there was no effective concept of the development of agrarian production and what is more agricultural production in our country. The conceptual provisions of market transformations in the countryside have been developed, in fact, only once – in relation to their first stage. They were based on the laws of market self-regulation and due to an objective assessment of the development of agrarian production, were oriented not on the interests of the peasantry and therefore did not use its support. Socio-economic implications of the implementation of such approaches have affected rapidly and negatively.

2. The priority of alternative approaches to management organization. The whole history of the management by agrarian production is an example of such an irresistible commitment to monotony, which has excluded for many years any initiative in finding more acceptable organizational forms of governance and management. Until the last years, they were conceived and processed at the upper levels and embodied in the legislative acts related to the reform of the Republican Armed Forces. The opinion and interests of enterprises and organizations were not taken into account properly.

3. Overcoming the massive transition to new organizational forms of management without extensive production verification. Viable are those forms of governance that have been formed from the bottom and are finally formed according to the level of readiness for their development. In this regard, in the management case, one should carefully approach the distribution of new organizational forms. Experience has shown that the positive opinion about a foreign experience is very often disseminated, and immediately its replication begins, without proper evaluation of its admissibility in specific conditions, without analyzing the business and psychological readiness of the personnel for its effective development. But so far no organizational form of governance alone has led any enterprise into market leaders. If something has changed for the better, then mainly for other reasons, primarily because the leadership was achieved competently. It should be noted that in any type of economic formations, leaders remain leaders, the backwards either remain the same, or overcome the lag very slowly. But in production efficiency, the essence of the control apparatus has practically changed.

4. Avoiding the fetishization of the organizational-structural factor in management. It is impossible not to underestimate the organizational and structural factor, as well as it is unlawfully considered normal, when the organizational structures and their respective governing bodies are constantly changing. The priority of the form (organizational structure) in relation to the essence (functions) of the control system has deeply rooted. Practice prevails when a management body is first created, and only then its functions are determined. This is the principle of an inverted pyramid. The formation of any system and management body must be preceded by a comprehensive substantiation of their functions. So it has basically happened during the transition to modern organizational forms of management [6].

5. Guaranteeing enterprises the real right to the membership in the territorial economic formation. Economic practice, including the organization of management, clearly indicates that any integration is only vital if its participants are interested in it, deliberately and voluntarily. The violation

of this principle sooner or later ends with the economic ineffectiveness of integrated formations and leads to a radical review of business practices. This happened at a certain time with numerous, mostly compulsory, inter-farm enterprises. Non-compliance with volunteering is one of the reasons for the low efficiency of a number of current formations and their management bodies.

6. Overcoming the stereotype of thinking about the purpose of the organs and apparatus of regulation. Converting for the better the system of regulation and management of AIP can only be achieved by a profound transformation of the practice of subordination in the management process. The first place should be given to the fact that the regulatory and management bodies and what is more, their apparatus from the position «above» should clearly move to the «sub» position. Unconventional to our reality conclusion: the bodies of economic self-government should not just depend, but be completely subordinate to the members of production and economic formations. It is not surprising here that, with all the previous transformations of control systems, each higher authority, its staff and employees considered subordinate units as dependent on them.

7. Optimal correlation of rights, duties and responsibilities of controlling subsystems. Any economic and managerial structure normally functions, if it clearly correlates the responsibility, duties and rights. Whatever the hierarchical position is, these elements of functional purpose should be in an equal correlation. The situation does not change from the fact that at different levels there are their scales and boundaries of managerial influences, the specific nature and method of their implementation.

The innovative way opens up new opportunities for the further growth of livestock production based on the integration concentration of livestock, the creation of livestock complexes and poultry farms. The volume and structure of agricultural products depend on the level of development of productive forces, the availability and use of labor, land and means of production. Currently, labor and land resources of the society are limited. Therefore, an increase in the production of agricultural products to meet the needs of the population in them is possible only with the constant increase and improvement of means of production, that is, when implementing the intensification of production on the basis of innovative developments.

Intensification equally applies to all the branches of agrarian production, including plant growing, and animal husbandry. At the same time, its implementation in these areas has its own characteristics, due to different degrees of influence of biological and economic factors on the reproduction process.

In crop production, the object of additional investments is directly the land. With the limited resources of agricultural lands, further increase in the production of agricultural products is possible only on the basis of improving the use of the land, increasing its fertility.

The intensification of animal husbandry means additional investments of material resources, and sometimes labor in the same livestock, which ensures the increase of its productivity, and consequently, the increase of production of livestock products. In the livestock production the volumes of production can also increase by increasing the number of livestock while preserving the existing forms of its maintenance and feeding, that is extensively. The intensive and extensive ways of development of livestock are usually mutually interwoven, in some periods of development prevailing intensive, and in others – extensive factors. Often, the extensive form of expanded reproduction is the basis for the development of livestock in an intensive way. It depends on the level of development of productive forces and the specific tasks of the development of agrarian production at this stage.

There are also differences in the methods and means of implementing intensification. In the past, at a low level of industrial development, the process of intensification of livestock farming was carried out mainly by changing the ways of keeping and feeding livestock on the basis of increased costs. Thus, the transfer of cattle-breeding from grazing to pasture-stylos, and then pas stellate-pastoral, required an increase in harvesting of feed and, consequently, of costs.

The intensive livestock farming is achieved through the improvement of existing and the emergence of new, more productive breeds of animals, the introduction of the newest ways of keeping and feeding livestock, the application of scientific achievements, which help accelerate the reproduction of herds. A characteristic feature of livestock intensification at the present stage is the transition to industrial production methods.

In animal husbandry, as in all the other branches of the agrarian production, the increase in the efficiency of production is based on the use of innovative developments. At the same time, the innovative development of livestock has the features depending on its specificity. In agriculture, the production processes take place during a certain period of time. In this regard, the receipt and sale of

products are pronounced seasonal in nature. In animal husbandry, the production processes, production and sales of products are more evenly distributed throughout the year. In fact, there are no seasonal breaks, the process of production is carried out on a small territory, and mostly in enclosed spaces. Due to this livestock production is closer to the manufacturing industry.

The introduction of new technology in its turn causes radical changes in technology and organization of production, requires the use of entirely other constructive and bulk-planning solutions in the construction of livestock buildings. In connection with this, there is a need to use new livestock feeds and various materials that meet modern production methods.

However, in animal husbandry, the animals themselves, with their biological characteristics and physiological needs, are the determining factor in the efficiency of the used machinery, new material and technical means and industrial production technology. Hence, now created material and technical basis of livestock is, based on the achievements of the science, it must correspond to the biological characteristics of each species and groups of animals. At the same time, the innovation process involves more and more adaptation of the biological nature of animals to the machine technology of production.

The renovation of animal husbandry, along with the change in technology and production technology, involves improving the use of available resources: labor, equipment, premises, forages, and others. This can only be achieved if additional investments are related to technical development, to using the innovative means of production.

The main areas of livestock development are:

- the technical re-equipment of farms, the transition to complex mechanization and automation of production processes;
- the Complex construction of specialized main and additional premises and structures on the basis of fundamentally new volume-planning decisions, which create conditions for the rational organization of production processes;
- the transition to the latest industrial technologies on the basis of streaming and rhythmicity of the production of homogeneous products in creating the necessary living conditions for animals for the manifestation of their potential productivity;
- the creation of a stable forage base with a wide application of mixed fodders and full-range feed mixtures on the basis of their industrial production;
- the improvement of existing and creation of new breeds of animals, characterized by high productivity and reproductive ability, increased endurance and vitality against the negative influences of the environment;
- advanced training and professional training, of personnel providing a sharp increase in labor productivity;
- the achievement of a high level of concentration of means of production and labor on the basis of intensification of specialization and wide co-operation of production.

In the field of livestock production, the research on the whole complex of problems of genetic improvement of farm animals, especially meat, trend, remains the priority. The research should be continued on the creation of a new generation of large-scale selection systems, especially aimed at maximizing protein production.

It is necessary to search for breeding methods aimed at creating animal populations adapted to modern production technologies. The problem of optimizing the interaction of organisms and mechanisms continues to be very relevant. Until now, the breeding problems have not been solved for the stability of animals to diseases, these studies need to be intensified. As soon as possible, the transition to the use in the selection of new information technologies should be implemented. The main task of the research is a significant acceleration of the pace of genetic improvement of animal breeds – the biological basis for the intensification of livestock.

The problems of breeding closely adhere to the task of optimizing the reproduction of animals. Here there are a number of new directions related to the development of methods of hormonal regulation of reproduction processes and the whole complex of problems of embryo transplantation, the use of which provides the acceleration of the genetic process. Another major task is to optimize the process of feeding of animals, aimed at maximizing the use of genetic potential of farm animal productivity, rational consumption of feed, and a significant improvement in product quality.

The primary task is to create feeding systems aimed at saving the cost of cereal feed, to make the full use of feed potential in relation to the main regions of the country, to increase the degree of transformation of feed protein into the protein of livestock products. The theoretical basis of this

complex of developments is the study of physiology and biochemistry, as well as the microbiology of animal nutrition. These studies should be financed from the state budget.

A significant place in the work of scientific institutions is now occupied by the development of the latest technologies of livestock production. Previously, the research has been focused on the creation of industrial technology within the high animal concentration. Today, it is necessary to create modern production technologies for the farms of different sizes and to quickly implement them in practice, because in the small forms of farming in the countryside physical labor still prevails. It is necessary to expand the research aimed at the creation of milk substitutes using plant and microbiological components. Of particular importance is the development of organizational and economic mechanisms of the integration of milk production and processing.

Researches and developments in the meat processing industry include the development of a model of meat quality that meets the high requirements of modern processing technology, the development of an economic mechanism and forms of integration of the entire meat complex of the country. Actually, various diseases cause great damage to animal husbandry. And although the protection of animals from many diseases is successfully solved, researchers face complex problems. In the area of animal protection against infectious diseases there should be a transition to the next generation of more reliable means of diagnostics, prevention and treatment of animals. Many new problems are caused by the high concentration of animals in large enterprises. The research on the problem of leukemia in animals requires a sharp increase. Certain results have been achieved here, but a radical solution to the problem is still far away.

The greatest damage to the industry is infectious diseases associated with metabolic disorders under the influence of adverse environmental factors. However, this trend in veterinary research is still the least developed. The needs of practice urgently require intensification of work in this direction. In the field of veterinary medicine, it is necessary to significantly expand the development of hybrid technology. A characteristic feature of the future period is the intensification of research in the field of biotechnology. The development of research in the world shows that more and more forces and resources are concentrated in this field of science. The research is deployed in two main areas: cellular and genetic engineering. In the field of cellular engineering, it is necessary to sharpen the research on the whole range of the problems of embryogenetics and embryo transplantation. Another major area of biotechnology is genetic engineering. Significant advances in microbiology have been made here, genetically engineered producers of a number of substances necessary for animal husbandry (essential amino acids, growth hormones, genetically engineered vaccines) have been created. This direction is developing successfully.

However, there are problems that are not being developed enough. This is primarily the task of genetic improvement, including the methods of genetic engineering of microorganisms, symbionts of farm animals, which play an extremely important role in the processes of assimilation of feed. Scientists' researches show that all objective conditions are met for the production of transgenic agricultural animals. However, many complex problems have appeared, so more important forces and resources should be concentrated in this direction. They should be concentrated in the directions of creating transgenic animals whose genomes are based on the gene constructs that determine the acceleration of growth, the activation of protein synthesis and the creation of a line of animals that are genetically resistant to a number of viral diseases causing huge damage to livestock.

The actual problem is the receipt of transgenic animals – original fermenters of a number of biologically active substances for medicine, which will significantly expand the range of livestock products. At present, the problems of biotechnology and especially genetic engineering are actively discussed by the studies in the field of animal husbandry. Now it's difficult to predict the outcome of certain results in practice. It is obvious that in this area Ukraine can not keep up with the world level, because in the future it is inevitably threatening by the inevitability of import of the whole spectrum of expanding biotechnology products.

Now, when the scientific intensity of production increases, scientific production becomes a commodity, the responsibility of researchers for its quality increases sharply. Therefore, the most important task, along side with the optimization of research topics, its actualization is the creation of the whole set of conditions that ensure the high quality of the scientific product. The factors of both moral and material incentives must be directed to this.

It is scientific and technical thought that should be directed to the development of innovative technological principles. Unlike current technology, to some extent empirical, which has absorbed the production experience of many generations, the new technology can not be anything other than a

result of deep scientific research. It should absorb in itself the latest achievements of the world and domestic agricultural science.

The development and implementation of waste-free and low-waste technologies is essential for deepening the intensification of agricultural production. However, in this direction of innovation development first of all, it is necessary to clearly define its content. Today, waste-free technology is interpreted as a technology for the processing of natural materials, which do not give waste at all. In general, such technology in nature does not exist and can not exist. Nature does not give the humans material goods that, by their physical forms and chemical structure, would be ready for the direct consumption. With the development of productive forces, the volume of waste will increase.

The development of economics, science and technology can and should contribute to reducing waste, minimizing it and increasing the yield of a useful product from each unit of recycled material. The content of non-waste technology consists in the fact that all the components of natural material are consistently processed into various types of products useful to the humans, including those that were previously considered waste. Thus, the achievements of science open up opportunities to advance this direction of innovation development and to seek for a fuller use of all the components of the natural material that corresponds to the essence of the process of intensification. Of course, the more complete use of all the components of the source material increases the efficiency of the agricultural production.

*Conclusions.* As the introduction of new technology, innovative technologies, the complex mechanization of production processes, the productive forces of the agrarian production are changing, they achieve a new qualitative level, in their development with the increase of which organizational and economic level of production management must undergo changes in order to meet the new qualitative level of productive forces. Otherwise, the scientific and technical potential will not be fully realized. In achieving this compliance there are hidden organizational and economic reserves of the intensification of the agrarian production, as well as increasing its efficiency. The organizational and economic reserves, in essence, are an under-utilized or unrealized part of the effect of the achieved level of the productive forces. These are the ones that the society is lacking from the introduction of a new technology and innovative technologies, from the breeding of new varieties of plants and animal breeds. To use the organizational and economic reserves of intensification of production the bodies of sectoral regulation should be in the process of transition from one qualitative level of productive forces to another, higher, to improve the organizational and economic mechanism of management to bring it in the correspondence with the requirements of the level of the productive forces, in introducing scientific achievements and realizing their potential effect.

With the improvement of the technical policy it is necessary to proceed from the fact that the re-equipment of the agrarian production at the present stage of development is the most progressive form of reproduction of fixed assets, because it is able to provide the comprehensive upgrade of production and on this basis, to accelerate the process of innovation development. It is extremely important to implement such areas of technical development and apply such types of techniques that can actively implement the basic principles of technical policy. From a lot of directions of innovation development, the objectives of intensifying production are the most consistent with automation and complex mechanization, chemistry, land reclamation based on new agricultural machinery. Of course, these directions do not exhaust all the achievements of the science, but by the level of development, in terms of the breadth of the scope of possible use in the agricultural production, they are most consistent with its intensification.

*Keywords:* *livestock enterprises, agrarian production, innovation development, mechanism, renovation.*

## STATE ADMINISTRATION

Liudmyla Holovko

### PROGRAMS IN THE FIELD OF WATER POLICY AND WATER MANAGEMENT IN THE USA: EXPERIENCE FOR UKRAINE

The article reveals the historical, legislative and institutional aspects of the implementation of water policy in the USA. Modern features of implementation of programs in the field of water policy and water management were determined. The authority of the Environmental Protection Agency in the field of protection of water resources was analyzed.

Ukraine still belongs to the states that have problems with the quality and quantity of water resources. The domestic regulatory framework in the field of water protection requires improvement. Therefore, it is relevant to study the experience of leading countries that have succeeded in implementing programs in the field of water policy and water management. The USA is definitely one of such countries.

In the USA the obligation to preserve and improve the status of water bodies is imposed on states. Due to the current shortage of water resources, western states have always had sufficiently effective legislation in the field of management and control over the use and protection of waters, since they understood the importance of preventing the deterioration of their quality.

Since 1970, the US Congress has adopted a number of laws aimed at combating water pollution and improving their status, which have become the basis for the development and implementation of effective programs aimed at restoring and maintaining the quality of water objects. These programs were aimed at reducing (and ultimately eliminating) most point sources of pollution. Federal control over pollution was aimed at controlling industrial emissions to water bodies, as well as the state of sewage systems. For point sources of industrial emissions, a permit system was developed and introduced, requiring all entities that discharge emissions into water bodies to obtain permission for these emissions. In addition, US law requires the use of the best available technologies for wastewater treatment before discharging them into water bodies.

The quality of water bodies depends not only on cleaning technologies, but primarily on the effectiveness of regulatory acts regulating the protection of water resources. US legislation that regulates water quality is based on a scientific assessment of the risks posed by individual pollutants to human health. The general tendency of water policy development in the USA is characterized by the development and implementation of effective programs aimed at restoring and maintaining the quality of water facilities. Considerable attention is paid to monitoring of water resources and control of emissions to water bodies. These programs are not declarative, but are actually implemented and provide for state reports on the progress of their implementation.

The US legislation has given citizens the right to identify sources of pollution of water bodies and to initiate enforcement measures to eliminate them, which has contributed to an effective system of implementation of the waste management strategy. One of the results of this strategy was to encourage firms to reuse water in the production process. In addition, a program was developed in which the federal government subsidized 75 percent of the cost of building wastewater treatment systems.

The strategy for improving water quality monitoring envisaged the development of water quality monitoring programs to measure progress towards the achievement of clearly defined goals in the field of water policy; comprehensive assessment of the state of water objects at the national level; mapping with the help of geographic information systems, which would indicate the actual locations of contaminated water bodies and causes of this pollution; joint planning of monitoring programs; identification of opportunities for cooperation and resource sharing; evaluation of the effectiveness of financed federal programs; state reports on progress in the implementation of the Strategy; water resource planning and reporting; development of technical recommendations necessary for monitoring and processing of information.

Each year, state bodies, industry, research institutions and a wide range of private organizations in the USA spend a lot of time and billions of dollars in monitoring, protecting and restoring water resources. This work includes: monitoring of the status of water resources and trends in its development; identification and classification of existing and emerging problems; development and implementation of water management programs.

*Keywords: water resources, state policy, programs in the field of water policy, Environmental Protection Agency.*

Halyna Shaulska

**LEGISLATIVE SUPPORT FOR THE DEVELOPMENT OF CIVIL SOCIETY IN UKRAINE**

The article analyzes the issue of legislative support for the development of civil society in Ukraine. In the context of reforming public administration, local government, the search for effective mechanisms of interaction between government and society, such an analysis is needed to model the Ukrainian public administration system, where civil society plays a key role.

The author observes that the newest history has opened a new stage in the development of civil society in Ukraine. Such a rise in the consciousness of citizens, as in 2013–2015, Ukrainian society has not yet known during all years of independence. Therefore, it is not surprising that in the main law of the state – the Constitution of Ukraine – the term «civil society» is not used. The realization of its significance, in its entirety, took place in our society only after a quarter century of independence.

An important document reflecting this significance was the National Strategy for Promoting the Development of Civil Society in Ukraine for 2016–2020, which was approved by the Presidential Decree of 26.02.2016. The document became an answer to the beginning of a new phase in the history of civil society development, and demonstrated that the public can drastically affect the socio-political transformation in the country, the renewal and reformatting of power.

In order to implement and implement the aforementioned National Strategy, the Coordinating Council for the Promotion of Civil Society is established by the Decree of the President of Ukraine dated November 1, 2016, No. 487/2016. The document approved the composition of the council and outlined the task.

During 2014–2018 several more important documents were developed and adopted. Thus, the Decree of the President of Ukraine dated January 12, 2015 № 5/2015 adopts the Ukraine – 2020 Sustainable Development Strategy, which defined «vector of development», «vector of security», «vector of responsibility» and «vector of pride» for implementation in Ukraine European standards of living and getting it to the leading positions in the world. The Strategy states that the main precondition for its implementation is a social contract between the authorities, business and civil society, where each party has its own area of responsibility. The responsibility of civil society is to control the power, live in accordance with the principles of dignity and strictly adhere to the Constitution of Ukraine and the laws of Ukraine.

The spectrum of attention also arose in questions of institutionalization of public initiatives and various forms of social self-organization. More about the problems of the number of civil society institutions, their dispersal, copying of each other's functions, the existence of a formality, and the need to address these problems, the author made a study in another article.

The draft Law «On Amendments to the Law of Ukraine «On Public Associations» (Regarding the Settlement of All-Ukrainian Public Associations and Their Local Branches with Legal Status) from June 15, No. 4816 can be considered important for the development of civil society in Ukraine.

Recognizing the importance of the information provision of the society, the receipt of feedback from the public, in April and May 2015 the government introduced a number of important amendments to the Resolution No. 996 of 03.11.2010 «On Ensuring Public Participation in the Formation and Implementation of State Policies» relating to forms and mechanisms for consultation of public authorities and the public. In order to carry out such consultations, a new mechanism for electronic consultations was drawn up, including using the government website «Civil Society and Government».

Also amended were the Law of Ukraine «On Access to Public Information» dated January 13, 2011 No. 2939-VI. Due to this, the mechanism for ensuring the right of a person to access information of public interest and ensuring transparency in the activities of public authorities through the introduction of a mechanism for the disclosure of public information in the form of «open data» is updated.

During the years 2015–2018, the Law of Ukraine «On Citizens' Appeal» No. 393/96-VR of 02.10.1996 was also strengthened, in particular by the introduction of additions regarding electronic appeal and electronic petition. Innovations will certainly help to establish a dialogue between public authorities and citizens, providing opportunities for the rapid response of the state and local self-government to public challenges and initiatives.

This is an incomplete list of legislative changes that have taken place in the state in recent years that should contribute to the development of civil society in Ukraine.

Summarizing the brief analysis, the author observes that the development of civil society is an indicator of the development of the state as a whole. And the awareness of its importance has been convincingly over recent years in Ukraine. As a consequence, the adoption of a number of legal acts aimed at ensuring that civil society, in conditions of state reform, has received decent conditions for its development. After all, civil society, although it is separate from the state, it does not develop in itself, it needs to create conditions.

*Keywords: public administration, local government, public administration mechanisms.*