Львівський державний університет
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ПРАВО. КОМУНФКАЦІЯ. СУСПІЛЬСТВО.

LAW. COMMUNICATION. SOCIETY.

DAS RECHT. DIE KOMMUNIKATION. DAS GESELSCHAFT.

LE DROIT. LA COMMUNICATION. LA SOCIÉTÉ.

Матеріали науково-практичної конференції
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Право. Комунікація. Суспільство. Law. Communication. Society. Das recht. Die kommunikation. Das geselschaft. Le droit. La communication. La société: матеріали науково-практичної конференції здобувачів вищої освіти (українською та іноземними мовами) / за заг. ред. канд. філол. наук, доц. І. Ю. Сковронської. Львів: ЛьвДУВС, 2019. 259 с.

Матеріали збірника стануть у нагоді всім, хто прагне вдосконалення рівня володіння іноземними мовами, а також дбає про зростання особистої мовної культури загалом.

The materials of the conference will be a good opportunity to all those who seek to improve the level of knowledge of foreign languages, and also care about the growth of personal linguistic culture in general.

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СЕКЦІЯ АНГЛІЙСЬКОЇ МОВИ

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COMMUNICATIVE COMPETENCE IN ENGLISH AS A FOREIGN LANGUAGE

The field of second and foreign language teaching and learning has been an issue of debate for a long time. Various theories and methods of language learning have been introduced. Grammar translation method occupied the field of foreign and second language teaching for many decades and is still of use today. The field has also been dominated by the behaviorist theory and the idea that language is nothing but a social behavior that can be learned as any other behavior through the process of habit formation. But which ability is required for that and how to achieve it have been questioned for both linguists and methodologist.

To define the notion «communicative «competence» we can delve into the two words that constitute it, of which the word «competence» is the head-word. Competence can be described as the knowledge, ability or capability while the word «communicative» has the meaning of exchange or interaction. So we can say that communicative competence is nothing but a «competence to communicate» that is, having the ability that allows the person to communicate in order to fulfill communicative needs.

The term «communicative competence» was first used by Dell Hymes in 1966 in his lecture delivered in a conference on «Developing the Language of the Disadvantaged Children», then it was published as a paper entitled «On

Communicative Competence» in 1972 and republished in 2001. Hymes points out that communicative competence doesn't only represent the grammatical competence but also the sociolinguistic competence. He has stated that «there are rules of use without which the rules of grammar would be useless» and defined communicative competence as «the tacit knowledge» of the language and "the ability to use it for the communication» [1, p. 54].

There are many learning strategies or activities that are usually selected for enhancing language learning. These activities that enhance language learning are usually communication-based activities and task-based activities. These activities usually play a big role in developing communicative competence and enabling communication skills in comparison to those strategies of imitations, memorization and repetition drills that mainly concern about language and its structures rather than the use of that language [2, p. 307].

We made an attempt to sum up some activities of studying English as a foreign language which may help in developing students' communicative competence:

1. Oral conversation and dialogue in pairs or groups. Teachers should encourage students to converse in pairs and groups. These activities proved to be of high value in the cultivation students' communicative competence as they provide students with more opportunities for exposure and help them in building their confidence in their language and releasing language anxiety.

2. Teacher–student interaction. English as a Foreign Language teacher should play the role of a facilitator in his classroom in order to help language learning to take place. He should create a democratic and enthusiastic atmosphere and interact with his students. Researcher's observations as well as other studies have shown that teachers who encourage more interaction in their classroom achieve good results and produce competent speakers while teachers who spend their time lecturing their students while students passively listening and take notes often fail to cultivate the communicative competence of

the students and produce students who are incompetent users of English [3, p. 175].

3. Using literature. Literature, whatever the genre drama, short stories, novels etc. is considered to be useful in developing English as a foreign language students' communicative competence as it provides students with authentic language inputs as well as equip them with English culture. If movies acted by Native English actors are shown to English as a foreign language students, it will help them to understand English pronunciation, manners of interaction and cultural aspects.

4. Simulation and role-play activities. Simulation and role-play activities are also effective for promoting students' communicative competence. The most important condition here is that students should consider themselves as much real as possible. Such activities proved to be effective in promoting communicative competence and making the classroom more interesting and interactive. A study by García-Carbonell, Rising, Montero and Watts on the role of simulation and game activities on communicative competence acquisition of a foreign language revealed that such activities are more effective than formal instruction in enhancing the communicative competence [4, p. 483].

5. Computer-assisted classroom activities. Teachers should benefit from computer and modern technology in English language teaching. Today, there are so many English programs, recordings, videos that help students to learn English and develop their communicative competence. If the teacher employs such technology in his teaching, it will be very effective in enhancing English as a foreign language learners' competence and achieving language acquisition. Using computer oral activities in classroom provide students with opportunities of exposure to native English speakers that learners can't get in their environment.

6. Reading English news and watching English TVs. Another way to involve students in real life language situation that provide them native language experience inside and outside classroom in foreign language context is motivat-

ing them to watch English news, films, online lessons at TVs and to read English newspaper and website news. This will help a lot in developing learners' communicative competence as it will expose them to various types of texts and vocabulary and keep them in touch with English outside the class as well. Such a type of free choice learning activities is also effective in achieving language acquisition.

7. Investing social media as e-mail, what's up and facebook etc. Social media tools are so important in developing communicative competence as they provide learners opportunities to use language and learn from each other in free group-discussions. Students may feel shy to speak in face to face discussion but it is easier for them to share voice records or a piece of writing via social media devices. It provides them opportunities to learn from their mistakes through their discussions as being far from their colleagues reduce their stress in making mistakes and losing face.

To sum up, activities mentioned above increase the linguistic competence of students as well as the other competencies. These tools help students to befriend English people and to get opportunities for natural exposure to native English speakers.

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INTERACTION WITH THE COMMUNITY: REALIZATION OF THE «COMMUNITY POLICE OFFICER» PROJECT

The security of the state is the precise work of law enforcement agencies. The National Police of Ukraine was created on July 2, 2015, which is the central executive body, and provide police services (according to the Article 2 «about the National Police of Ukraine»). Making this step, the authority of Ukraine marked the reform of the main government branches beginning and provided Police reform, as a new stage in the Ukrainian statehood development. Due to this fact, it is clear that the activities of this body should be community-oriented, as well as close cooperation with it.

The relevance of the study is that the situation of the reform processes in Ukraine and the formation of European standards for ensuring public safety have a great importance and plays an important role in terms of scientific, theoretical and practical aspects.

The **aim** of the research is to learn and to analyze the main objectives, functions, stages of the implementation of the «Community Police Officer» project in the national legal system aspect.

A great number of different projects were created after the reform of the National Police had been started: providing such special groups like: Patrol police, SWAT, CORD, mobile groups for the response and prevention of domestic violence; the creation of a single contact center 102; the transformation of economic protection units and cybercrime departments into powerful law enforcement structures; the reform of the system of temporary detention isolators; the creation of traffic police units, the reform of the service of district officers «Community Rolling» , as well as the implementation of the «Community Police Officer» project.

The «Community Police Officer» project implemented in an aspect of Community Rolingin project, should contribute to increasing confidence in the police and provide citizens with quality police services in small settlements. On December 20, 2018, at the final press conference, the head of the National Police Sergei Knyazev said: «We presented this project to the 62nd chairmen of the territorial united communities and offered them to conclude a memorandum with the police. The result of the memorandum implementation is the acquisition by the community of a policeman who lives on the community territory, will live up to the community's problems and will assist in their resolution. 62 united communities were interviewed and as a result 60 of them were interested in the project and are ready to sign a document on cooperation with us » [3].

First of all, the need to reform the service of district officers is due to the independence of officers in partnership with the leadership of the UTC (united territorial community). Local police officer has to know basic social skills:

- to plan his actions in case of special situation and to react immediately to situations which can happen in the territory he is responsible for;
- have a high level of knowledge in such topics like: anti-corruption legislation, preventing of human trafficking, concepts of tolerance and non-discrimination in the sphere of policing;

- to interact with the population and to make a partnership with them;
- to have an experience of working with document verification, as well as ability to identify signs of tampering;
- to understand the procedure for investigating certain criminal offenses, apply Ukrainian legislation on responding to citizens' requests [4].

Accordingly, the basic requirements for candidates who have expressed their desire to become a police community are formed:

- to have general practical experience in the police, at least two years of police service (not included in education at primary and vocational education institutions);
- higher education (bachelor, specialist, master degree);
- to know the Constitution of Ukraine, The Code of Ukraine on Administrative Offenses, the Criminal Code of Ukraine (Special Part) and the Criminal Procedural Code of Ukraine, the act of «the National Police», the act of «the Domestic violence prevention» within the limits of competence;
- to be physically fit;
- to have an experience with the PC (office programs, Internet) at the level of the confident user;
- to have a driver license (category «B») and a driving experience.

Dnipropetrovsk region is the first region where this project starts. During 2019, the police officers of the community will appear in 61 communities of the Dnipropetrovsk region, as well as in the cities of Manganese and Pokrov, which became known on December 19 at the conference of the Dnipropetrovsk Center for Local Self-Government Development.

Police will live and work in communities, they will take care exclusively for the safety and protection of their UTC (united territorial community). The central court of Dnipropetrovsk created with the support of the «ULEAD with Europe» program and the Ministry of Regional Development of Ukraine, will become a partner in the project «Community Police Officer» [2].

We are sure to think that the main problems for the full project realization are:

- bad quality of the special equipment and a lack of specialists who can train the police communities;
- the society is not ready for a new format of district officers;
- defects of the national legislative framework, which regulates the district departments work.

Thus, the process of realization and development of this project in society is still under way, based on the official website of the National Police of Ukraine, the questionnaire for candidates for such a post can be filled in from December 21, 2019. So, as any new and large-scale project needs time and means to implement, the «Community Police Officer» project needs it as well [1].

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WHAT KIND OF PERSONALITY SHOULD A POLICE OFFICER HAVE?

The activities of police officers are characterized by the emergence of extreme situations that have a significant impact on the people's state of mind and their activities. From answering disturbance calls, to responding to accidents and incidents, to solving crimes and protecting the community, a police officer is always performing a vital service for the good of society.

According to Article 2 of the Law of Ukraine "On the National Police", the main tasks of the police are to provide police services in the following areas:

- ensuring public safety and order;
- protection of human rights and freedoms, interests of society and the state;
- crime prevention;
- providing services to give help to persons who, for personal, economic, social reasons or as a result of emergencies, need such assistance within the law [1].

Consequently, in order to carry out these tasks, the policeman must be endowed with certain professional, moral, psychological qualities.

I. Sundiiev and V. Schultz determine the leading significant features in the structure of the personality of the law enforcement officer. They are:

- constancy of ideological structures;
- developed communicative abilities;
- ability to establish psychological contact;
- ability to logical thinking.

V. Cherepanov considers what qualities and characteristics you should possess as a police officer: developed communication skills; ability to quickly and easily establish contact; initiativeness; striving for successful fulfillment of tasks; self-confidence; ability to reasonable risk; advanced imagination and creative thinking; role-playing skills [2].

However, there are a number of factors that significantly influence the effectiveness of police officers, in particular criminal police units.

Such scholars as V. Androsiuk, L. Kazmirenko, Ya. Kondratiev, I. Okhrimenko, H. Yukhnovets, etc. determine psychological peculiarities of professional activity of employees of criminal police units:

- strict legal regulation and availability of authority;
- high level of responsibility for the results and consequences of work;
- high social and personal significance of possible mistakes;
- presence of counteraction by offenders and criminals;
- extreme nature due to the risk to life and health;
- lack of time for analysis of circumstances and decision-making;
- significant mental and physical activity;
- intensive influence of unfavorable factors.

It is also necessary to consider the factors that determine the negative psychological impact on the personality of law-enforcers: legal nihilism of the population, emergence of new types of crimes, growth of extreme activity; organizational disadvantages in the prevention of emergencies; high level of work, irregular working hours, lack of opportunities for full rest; insufficient level of social protection, non-conformity of salary with modern standards of life; increasing requirements to the physical and psychological qualities of workers [3].

The results of psychological researches show that such factors exhaust the body. This leads to high demands on the psychic sphere of the personality of police officers, their stress tolerance and mental readiness for extreme condi-

tions. Consequently, the presence of a permanent threat to life, high probability of injury or death requires not only a high level of professional preparedness, but also psychological qualities of the individual.

Researches of psychologists give an opportunity to distinguish one of the most important psychological qualities – the stability of the police officer to the impact of extreme situations. Or, in other words, the psychological stability of the police officer is the basis of readiness for service activity [4].

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NATURE AND SOCIETY: SWEEPING CONSEQUENCES FOR LIFE

What is it change? I am convinced that everyone knows this word and each of us understands *change* on our own way, that is why it needless to define this term again. I'd just like to mention what change means to me. As far as I'm

concerned change is a phenomenon that stimulates people to move forward, something that compels me to take some risk and to get fresh impressions and experiences, to aspire new ideas and concepts and rethink the old stereotypes. However, changes are not only pleasant issues, changes are often devastating and deadening.

Today, I would like to focus on the environmental matters and the sweeping consequences for life. The latest report from the UN's intergovernmental panel on climate change concluded that climate change has was already having effects in real time – melting sea ice and thawing permafrost in the Arctic, killing off coral reefs in the oceans, and leading to heat waves, heavy rains and mega-disasters. And the worst was yet to come. Nobody on this planet is going to be untouched by the impact of this deadly change and my sympathy is not with human in this sad story but with the animals who do not deserve to suffer because of us.

To start with, every year million animals die in laboratories. People test medicines, food additives, drugs and other toxic substances on animals, destroying the animals' brain cells and provoking the development of cancer and other diseases. But the worst new is that all torture over the animals is a legal, because it is necessary for humanity, for people's health and welfare.

Second problem is fashion industry - natural fur and leather are still popular and sold all over the world. For a single mink coat you need 60 animals that are killed alive since such kind of fur is more chic and expensive. Then people throw away millions of animals painfully dying. Humans kill snakes, crocodiles for original genuine leather bags.

It is worth mentioning that many animals die for beauty during experiments. Large cosmetic brands use animals to test lipsticks, shampoos, detergents, detergent powders etc. And all this is allowed, because the cosmetic brand can not sell products harmful to the health of people. I absolutely despise of that.

Another issue is poaching and ill-treatment of pets. Despite fines, prohibitions, Red Data Book, reserves, the number of animals in the world is decreasing at a high rate. Poachers cut horns of rhinos, tusks of elephants and kill rare animals for big profits.

Last but not least, tons of plastic in the sea? The thrown plastic into the water kills the sea inhabitants. From five to fourteen million tons of plastic arrive in the ocean with coastal areas. About forty percent of all plastics produced are used for packaging, most of which are used only once and thrown away. Today we have almost nine point two billion tons of plastics, with which we need to recycle. Of these nine point two billion, six point nine billion tons fall into garbage. National Geographic notes that plastic waste in the oceans kills millions of marine animals every year. About seven hundred species will be affected, including those at risk of extinction. Most marine mosquitoes die from plastic due to the fact that they are simply entangled in it and they can not normally move. Moreover, pollution of the environment and many other environmental factors like global warming also affect the reduction of the number of animals. For example deforestation, which already has a threat to nature, moreover, according to statistics of WWF, eighty percent terrestrial animals living in forests and they may suffer due to deforestation. Pandas lose their "residence" through the building of roads and railways that destroy the forest, isolating populations of pandas. Besides, the construction of roads and railways reduces the access of pandas to the bamboo that they need to survive. But not only pandas are victims, Orangutan, Saola, Forest Elephant, Village Kangaroo and other three hundred species of animals also suffer from deforestation. We must remember that there are also zoos and circuses where animals are mistreated, where there are bad conditions for their life, poor nutrition. And it's our duty to make an attempt to stop it.

Solutions

All changes begin in the heart.

Firstly, let us not use cosmetics tested on animals. There are many cosmetic brands that do not use animals for testing. It is *Inglot, e.l.f., NYX, Urban Dacay, Dushka, Banton, Weleda, LUSH, Planta, GUAM.*

Secondly, today the world's fashion trends refuse to use fur and fight for ethical attitude towards animals. Such fashion brands as *Givenchy, Gucci, Michael Kors, Stella McCartney, Calvin Clein, Bevza* do not use material of animal origin in their collections.

Next, we ought to stop polluting water and the environment. We can also stop the massive development of forests when we use paper on both sides when it leaves it for recycling and gives it a second life.

And the worst thing is that people are uneducated and unconscious and that is the worst evil where all the human mishap begins. Big changes begin in something small. Any changes begin with us. In the beginning I asked what I can do and my answer is, we can do everything, if everyone starts with ourselves.

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PREVENTION OF INJURIES CAUSED BY THE ELECTRICAL CURRENT

The first household appliances appeared more than a hundred years ago. During this time, electricity changed the life of mankind. Indeed, little is done in a home without electrical appliances. Apartment cleaning - dust removal; hair drying - electric frying; and also - an electric kettle, an electric tile, a coffee grinder, a washing machine, a refrigerator, etc. Even hard to imagine, how could we do without them. But in using these devices you need to be very careful.

Statistics show that in almost all branches of industry and agriculture, where electric current is used, there is a defeat of people. Man put electricity on the service. But, besides the goods that bring electricity, it is a source of high danger. Electric appliances, equipment that people deal with, pose a great potential danger.

Current damage occurs at such a rate that a person is not able to self-liberate himself from current-carrying parts.

According to the World Health Organization, 25,000 people die each year from an electric shock. Still remain disabled. But these injuries occur not only in the production. Quite often they also arise in the residential sector.

What kinds of injuries result from electrical currents?

Electrical injuries, although relatively uncommon, are inevitably encountered by most emergency physicians. Adult electrical injuries usually occur in occupational settings, whereas children are primarily injured in the household setting. The spectrum of electrical injury is broad, ranging from minimal injury to severe multiorgan involvement to death.

Electrical injuries can be caused by a wide range of voltages but the risk of injury is generally greater with higher voltages and is dependent upon individual circumstances.

Alternating current (AC) and Direct Current (DC) electrical supplies can cause a range of injuries including: electric shock, electrical burns, loss of muscle control, thermal burns.

Electric shock

A voltage as low as 50 volts applied between two parts of the human body causes a current to flow that can block the electrical signals between the brain and the muscles. This may have a number of effects including:

-Stopping the heart beating properly

-Preventing the person from breathing

-Causing muscle spasms

The exact effect is dependent upon a large number of things including the size of the voltage, which parts of the body are involved, how damp the person is, and the length of time the current flows.

Electrical burns

When an electrical current passes through the human body it heats the tissue along the length of the current flow. This can result in deep burns that often require major surgery and are permanently disabling. Burns are more common with higher voltages but may occur from domestic electricity supplies if the current flows for more than a few fractions per second.

Loss of muscle control

People who receive an electric shock often get painful muscle spasms that can be strong enough to break bones or dislocate joints. This loss of muscle control often means the person cannot 'let go' or escape the electric shock. The person may fall if they are working at height or be thrown into nearby machinery and structures.

Thermal burns

Overloaded, faulty, incorrectly maintained, or shorted electrical equipment can get very hot, and some electrical equipment gets hot in normal operation. Even low voltage batteries (such as those in motor vehicles) can get hot and may explode if they are shorted out.

People can receive thermal burns if they get too near hot surfaces or if they are near an electrical explosion. Other injuries may result if the person pulls quickly away from hot surfaces whilst working at height or if they then accidentally touch nearby machinery.

To prevent the injuries caused by the electrical current man should follow the next rules of behavior and action when damaged by electric current.

A person who gets under pressure can not independently get rid of current-carrying parts that are under voltage. It is necessary to use urgent measures for the prompt release of a person from the action of electric current.

First of all you need to turn off the switch, remove the plug from the socket, turn the fuses, cut the wire with a sharp-threaded object with a dry wooden handle.

Releasing the victim from the action of an electric current, it is necessary to act with one hand. Otherwise, you risk becoming a "part" of the electrical chain and get serious burns.

If a person is on the ground next to a torn wire, he must be approached by putting his "insulating" under his feet - for example, a rubber blanket, a book or a stack of newspapers. Roll the dry cloth into your hands.

Remove the victim from the place where the current is spread and transferred to a safe area. To do this, you need to take him over the edge of the garment, pre-wrapping with any dry cloth and his hands. Act with one hand.

Remember, you can not touch open parts of the body with your hands - it's dangerous because the electric current passes through the body of the victim.

It is dangerous to extinguish wires with water. They should be covered with rubberized cloth or covered with sand.

After the victim's release he must immediately provide first aid and call for ambulance.

Execution of these simple requirements will save life for you and your loved ones. So be careful, appreciate your own life and health.

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FEATURES OF PUBLIC BORROWINGS MANAGEMENT

The use of public borrowing is of significant importance in the countries in transition, which in the context of transformative changes, are very acutely lacking in financial resources. As for Ukraine, the implementation of effective economic reforms in the transformational economy requires significant investment, the mobilization of which at the present stage can only be accom-

plished through internal and external borrowings, which leads to the formation of public debts. Additional financial resources are required also for measures related to the exit of the national economy from the financial crisis and ensurance of its further development.

The public debt is the total amount of debt obligations of the state for the return of received and outstanding credits (loans) as of the reporting date, arising as a result of public borrowing [1].

The public debt management means a complex of measures taken by the state in the name of its authorized bodies in relation to the regulation of the amount of debt, its structure and service value, as well as ensuring the harmonization of the interests of borrowers, investors and creditors.

Public debt management can be considered in both broad and narrow senses. In a broad sense, the public debt management means the formation of one of the areas of financial policy of the state associated with its activities as a borrower and guarantor. The debt management in a narrow sense implies a set of actions related to the preparation for release, placement of debt obligations of the state, the provision of guarantees, as well as operations for servicing and discharge of liabilities [2].

The tasks of such a management are as follows:

– debt security at the economically safe level;

– minimizing the cost of debt servicing;

– ensuring timely repayment of the debt in full;

– providing favorable conditions for the issuer and maintaining the rate of government securities; otherwise, loans can not be provided in the future;

– strengthening of investment use of loans and control over the use of the borrowings.

For the effective public debt management, the following principles should be observed:

unconditional obedience - ensuring the regime of unconditional implementation by the state of all obligations to the investors and creditors, which the state, as a borrower, assumed during the conclusion of a loan agreement;

risk reduction - provision and repayment of loans in such a way as to minimize the impact of the fluctuations of the global capital market and speculative trends of the securities market on the public debt market;

optimality of the structure - maintenance of the optimal structure of debt obligations for the terms of rotation and repayment;

maintaining financial independence - maintaining an optimal structure of public debts between resident investors and non-resident investors;

transparency - compliance with openness in issuing loans, ensuring access of international rating agencies to true and accurate information on the economic situation in the state to maintain high credit reputation and rating of the borrowing state [3].

Public debt management is carried out using a variety of methods, such as: conversion, consolidation, unification, exchange on regressive ratio, deferral of repayment, debt cancellation, debt buy-back.

There are three main models of institutional support for public credit management: government, banking and agency.

The government model is that the main tasks are assigned to the State Treasury, or the Ministry of Finance, which manage the public debt, and the objectives of debt management are consistent with the objectives of the fiscal policy of the country.

The banking model is the management of external debt through the Central Bank of the country. It corrects all current operations in the financial market, develops the debt strategy of the country, manages public debt, which is subordinated mainly to the purpose of monetary policy of the state.

The agency model forms a separate structure, or an agency that chooses the most optimal methods for managing an external public debt. The operational objectives and public debt management are developed and implemented

by the agency, taking into account the market methods and management techniques in accordance with government decisions. All functions of public debt management are concentrated in the hands of one agency [4].

Consequently, the process of the public debt management involves a series of measures to create conditions for credit involvement, optimizing public debt, its use, payment of interest for the use of borrowed funds and debt in general. The key areas of debt management should be the development of a strategy for the implementation of public borrowings, taking into account the policy of the predominance of domestic loans over external ones, the search for domestic financial reserves by shadowing the economy, as well as providing investment and innovative direction of external loans. In determining the model of debt regulation, it is necessary to conduct a comprehensive analysis of the methods of public borrowings management of the countries with developed and transformational economies, to determine the prospects for their use in Ukraine and to propose the ways to increase the efficiency of management.

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INVESTIGATIVE INTERVIEW AS A TOOL FOR OBTAINING INFORMATION

Interviewing is at the heart of any investigation and thus is the root of achieving justice in the society. This is because there are two key aims underpinning any investigation and these are to find out what happened, and if anything did happen to discover who did what. In order to answer these two primary investigative questions investigators need to gather information and invariably the source of the information is a person (e.g. witness, victim, suspect, complainant, first officer at the scene of a crime, emergency services, experts and so on). Thus one of the most important tools in an investigator's tool box is the interview. As a result, over the past twenty years practitioners and researchers have sought, and in some countries have substantially succeeded, in developing procedures that improve the quality of interviews of witnesses, victims, and suspects of crime. These new procedures have been the outcome of the interplay between academic research and practical policing.

At the same time, conducting interviews is a core task of law enforcement. How interviews are conducted can have a profound impact on the outcome, fairness, efficiency and reliability of any subsequent proceedings.

One of the methods of investigation is the systematic collection of information via interviews and interrogation. These terms mean different things to different people. The term interview seems less harsh than interrogation to most people. It describes a process that is less formal, less structured. But Merriam-Webster defines these terms similarly, distinguishing interrogation as a process in which one "questions formally and systematically." However, in ac-

tuality, the word interrogation is rarely used to describe a formal and systematic interview. Instead, when one uses the word interrogation, it seems to mean so much more. The thought of interrogation conjures up images of an offensive and coercive interview during which the subject is harshly questioned in a windowless room with hands and feet bound while seated under a bright light. It's stigmatized, carrying with it the inference or suggestion of coercion, intimidation, and thuggery. Some even consider an interrogation to be unlawful.

Police, other law enforcement officers and officials from other investigative bodies are bound to respect and protect the inherent dignity and physical and mental integrity of all persons – including victims, witnesses and suspects – during questioning. Yet torture and other forms of ill-treatment, coercion and intimidation against persons in custody and during interviews continue in different parts of the world. The existence of a "confession culture" in policing and criminal justice systems in many countries, alongside the absence of training and expertise in the range of crime solving techniques and humane ways of interviewing, can incentivise abusive practices in order to extract a confession or information. This tool provides an overview and introduction to a method of questioning victims, witnesses and suspects known as "investigative interviewing", a technique developed by practitioners to respond to the large body of scientific evidence that abusive and coercive techniques elicit unreliable information.

Fundamental to the success of a crime investigation is the information the police investigator gathers from different sources. This information must describe what and when a crime occurred, how the crime was accomplished, and why the crime was perpetrated. Without this information, crime victims' human rights cannot be safeguarded, the suspected person cannot be sued, the involved people cannot be completely rehabilitated, and the investigation will most likely be dropped. Evidence can be of a technical nature, for example, fingerprints and DNA profiles. From technical evidence, the investigator may find an important conclusion in the sequence of the crime event, but such technical

evidence does not tell the whole story. Moreover, investigations often lack technical evidence and under such circumstances the content of police interviews with crime victims, witnesses and suspects becomes very important, often completely deciding the success of a given crime investigation. To describe the criminal act, the consequences of the crime and the intent of the perpetrator, the crime investigation needs accurate descriptions from the crime victim, possible eyewitnesses, and the suspected offender. The police interview is therefore an important tool in gathering descriptions from those who have any knowledge of the criminal act. A good police interview is conducted in the frame of the law, is governed by the interview goal, and is influenced by facilitating factors that may affect the elicited report. In this respect, the characteristics of the interviewer are a dimension that is likely to affect the outcome. Seeing the importance of the police interview, its substance, and signification for the legal process, it is important to study what interview methods police officers use. It is also important to study how crime victims, witnesses, and suspects perceive these police interviews as well as under what circumstances these interviewees experience that they are given a mental space that facilitates an exhaustive narration. It seems reasonable to assume that the interviewees' experiences may differ, and for that reason, it is important to study how crime victims as well as suspects perceive the police interview. Undoubtedly, some crimes (for example, crime of violence and sexual offences) cause emotions that likely affect crime victims as well as suspects. Even police officers may be affected by exposures to stressful crime events and by listening to narration about such crimes.

The overall aim of an interview with a victim, witness or suspect is to obtain accurate and reliable accounts about matters under investigation, which can stand the test of trial. Investigative interviewing reduces the risk of human error and false confessions, which can occur with techniques designed to make the suspect confess and confirm what the interviewer thinks they already know to be the truth. Research into the causes of wrongful convictions have docu-

mented that problems associated with “tunnel vision” or “confirmation bias” (that is, an unconscious tendency to look only for information that “fits” and ignore or explain away information that does not confirm what the interviewer believes to be true) are the underlying causes of miscarriages of justice in almost every case.

Like undercover, interviews are also interactive. They afford the investigator the opportunity to exchange information with the subject. Specifically, interviews afford the investigator the opportunity to determine the who, what, where, when, how, and why from the very person who was there. It also provides the investigator the unique opportunity to peek into the mind of the offender.

Among the most important traits for a successful interviewer are empathy, communication and professionalism. All three of these characteristics combine to send a powerful message to the subject. That is, that the interviewer is an honorable person, who has all of the necessary evidence, and truly understands the feelings of guilt within the subject.

Empathy is considered an essential characteristic of a good interviewer. Empathy is the capacity for participating in another’s feelings. Investigators who use empathy can more readily identify with another person. They can “see things through another’s eyes”. An interview or interrogation is a conversation between two human beings. The subject and interviewer are on an equal footing. Unlike the interviewer, the subject probably has no training in interviewing. But as a person the subject has been communicating all of one’s life and can recognize when one is dealing with a person who is not sincere. It is difficult to believably offer rationalizations and understanding to a subject when the interviewer cannot identify with the other person. This results in the interviewer seeming insincere and makes obtaining a confession difficult.

Probably the most important trait for a good interviewer is being a good communicator. When people communicate they use more than words. Tone, inflection, volume and pauses are all important components of para-verbal

communication. Non- verbal communication is at least as important as what is actually said. Gestures, posture, hand, eye and head movement (or lack thereof) are important parts of a person's non-verbal communication. The interviewer should also be aware of the messages sent by the subject's physiological responses such as skin tone, sweating and respiration. During some interviews the subject may suddenly have red splotches like hives or rashes appear on one's neck, arms and face. In some circumstances the interviewer will notice that one can visibly monitor the subject's heart rate by observing the carotid pulse. The most important communication challenge for the interviewer is to be aware of all of these channels of communication. The interviewer must not only be aware of what he or she is receiving but also of what one is sending. While the subject may not be consciously aware of these signals in the same way as the interviewer, one is subconsciously aware of communications beyond what is actually said. Regardless of how observant an interviewer is he or she must be able to control and manipulate the non-verbal signals being sent.

The core of interviewing is communication. In the section above important communication skills are discussed. But how the interviewer presents oneself to the subject is the first communication that occurs. The interviewer should be dressed professionally. This does not necessarily mean that a business suit is required for every interview. The interviewer should consider the subject and the location of the interview

before deciding on attire. An interviewer meeting with an executive of a Fortune 500 company in a boardroom might dress differently than when meeting with a construction foreman at a job site. The interviewer's demeanor should always be professional.

Whether the interviewer is a member of law enforcement or private security one is almost certainly in a perceived position of authority. No matter what the outcome of the

interview, the interviewer should not make snide or disparaging remarks during or after the interview. The conversation should begin civilly with

a handshake and end in the same manner. If the case is going to be referred for prosecution or civil litigation the lawyers are responsible for playing roles in an adversarial process. This adversarial atmosphere has no place in the interview room.

The final role that professionalism plays in the interview is the attention to detail paid to the confession and statement. Someone, perhaps the interviewer, spent valuable time preparing the investigation. The investigation file will likely be full of detail and description. Once the subject confesses, the professional interviewer will follow through with developing the confession and capturing it in a detailed and accurate statement.

On a final note, it is a fact that investigative interviewing is far from an easy task and there are hardly any silver bullets. As Karl Roberts accurately points out: "Investigative interviewing is an acid test of the professionalism of the interviewers. Frequently they are required to interview individuals under highly stressful circumstances, such as following a certain incident, whilst under pressure to get results quickly. It may be that under such circumstances it is understandable (though not excusable) how interviewers have over the years resorted to nefarious means to obtain the information they desire."

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JUVENILE DELINQUENCY IN UKRAINE

The problem of criminality was and is still one of the most urgent at all stages of the history of any state. For centuries, states and their governments have always sought to develop and improve the system of criminality prevention: by empoisoning penalties for crimes, increasing law enforcement bodies, but criminality still exists. The only result gained in this fight – the periodic reduction of its level. The harm that is being done to the society by criminality:

by depriving people of life, property, personal safety is far greater than the total national income of many countries.

The juvenile crime is independent criminological problem, because qualitatively and quantitatively different from the crime of adults, which is predetermined by the age of criminals, which is characterized not only by a number of sociopsychological features of this category, but also by their legal status in society. The most common crime among adolescents is crime against property: theft, donation, extortion or fraud – in a group of adolescents aged 16-17, they account for three members of all cases of violation of the law, and in the group of adolescents from 14 to 15 years – the vast majority of crimes happen exactly against someone else's property.

Since 2010 the level of juvenile crime has been constantly decreasing. Generally, this is determined by transformation of state policy for the treatment of juvenile offenders, literally, reducing the severity of charge in prosecuting children in conflict with the law.

With the onset of economic and political crises, the state does not pay enough attention to the above mentioned category of children; while the national network of social workers fail to maintain relevant prevention coverage. As a result, being especially vulnerable, juveniles turn to lucrative crimes in order to survive, get involved in urban violence, join criminal groups and take part in grave crimes together with adult delinquents.

The crime situation becomes more complex due to the consequences of the economic crisis and the ongoing armed conflict in Eastern Ukraine. According to estimates of independent experts, the number of “street children” in Ukraine has increased dramatically. Their estimated number ranges from 120 to 300 thousand. The boost of “street children” in total results in escalation of urban violence, thefts, robberies, rapes etc. We presume that the risk of involvement in criminal activities is especially high for the children of internally displaced persons from the temporarily occupied territories of Donetsk and Luhansk regions (approximately 130 thousand minors).

In the period from January to March 2017, the picture for equal lifting crime remains virtually the same as in the first three months of 2016.

In the first three months of this year, 439 adolescents, aged 16-17 years old, were arrested for various crimes, one of the smallest for the same period in 2016. Among adolescents under 14, there is a small number of detainees for crimes. As for teenagers in the waists of 14-15 years, this number of detainees is decreasing. The current state of juvenile crime could be characterized by the following trends: amplification of lucrative motivation, causation of common crimes by poor life circumstances and the struggle for survival in a hostile environment, increase of urban violence, the convergence of various patterns of criminal behavior, the boost of recidivism, the involvement of minors in criminal activities by their parents, close relatives and other negatively experienced persons. On the one hand, modern juvenile crime acquires the features of a hybrid combination with criminal offenses, but on the other hand, it turns out in the escalation of grave crimes and felonies. The discovered trend impacts the effectiveness of crime prevention in the relevant scope.

There is no defined conception and national program of crime prevention and juvenile delinquency today in Ukraine. That is why there is a necessity to use the foreign experience gained in this sphere to organize the proper functioning of the juvenile delinquency system.

We suppose that it is necessary to reestablish the work of public educators who are to perform a preventive works with each specific teenager, to attract the public to take part in crime prevention by creating voluntary public formation in place teenagers' residence, study and work.

All in all the preventive activity should have a systematic character. The preventive measures should be done by the specific subjects at the stage of issuing the special normative legal acts and at stage of conducting social individual work with teenagers who need a special influence. Finally, the creation of the juvenile delinquency system will give the opportunity to solve a lot of

social problems, to provide criminality decrease in future and strengthen law and order in the state.

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PRINCIPLES OF PROFESSIONAL COMMUNICATION OF THE NATIONAL POLICE OFFICER

Effective solving of professional tasks in the course of performing the duties by the workers of the National Police of Ukraine requires a certain level of psychological knowledge, skills and habits, as well as developed professionally important personality features. One of the integral personal characteristics that reflects the level of professionalism of the law enforcement worker is his communicative competence, that is, the ability to communicate efficiently, first of all, with the object of official activity, with citizens, colleagues, and also with representatives of the mass media.

According to the Order of the Ministry of Internal Affairs of Ukraine dated January 21, 2016 No. 50 "On Approval of the Regulation on the Organization of Official Training of National Police Workers of Ukraine", the formation and development of communicative competence and the communicative culture of policemen has been identified as one of the main tasks of their professional and psychological training [1, p. 24].

Communication of the policemen is a very important process that ensures the successful performance of their official tasks, as well as allows them to provide or receive the necessary information while maintaining a respectful attitude to the person, demonstrating readiness and ability to provide high-quality professional services to all citizens. The communication of police officers can take place from the point of view of control and orientation towards understanding. The focus on control is expressed in the desire to dominate during interaction, the desire to control the situation and the behavior of others. The orientation towards understanding is characterized by the desire to understand all the circumstances of the situation and the behavior of people in it, while maintaining the equality of partners in communication. The goal is the desire to reach agreement and satisfaction of all parties, avoiding conflicts.

Psychologists distinguish three main types of communication that can be used by police during service: *imperative, manipulative,* and *dialogic communication.*

Imperative communication. This type of communication is also called authoritarian or directive. It is the most common among law enforcement bodies. It is an effective type of interpersonal interaction between the chief and subordinates, since it involves full subordination, the immediate execution of orders and tasks.

Imperative communication is usually used by chiefs in relationships with subordinates. The subordinate acts as a passive party, being always ready to perform orders. As means of imperative communication instructions, orders, requirements and threats are used.

Manipulative communication. This type of communication has similar features with the imperative. Its goal is to influence the communication partner, but the achievement of one's intentions is carried out secretly. Like the imperative, manipulation seeks to control the behavior and thoughts of another person. Manipulations are often used when trying to please a partner in communication. Instead, sometimes the use of manipulative influence in the law enforcement sphere can cause some harm. Manipulation is a hidden management of a person against his will, manifested in the form of a lie, incomplete transmission of information, distortion of facts, the use of verbal formulas that distract the attention of another person. For example, in response to a remark about violations of public order, a person answers: "You look good today," "You have good eyes, do not drqw up a protocol to us," "I did not know", "And you imagine who my relatives are", and others). To counteract manipulations, the policeman must clearly understand the purpose of such communication; if necessary, without changing the intonation and tone, while retaining courtesy, repeat his position and demand; refer to normative acts, law or the situation, and also be able to distinguish the cause from the offense.

Dialogic communication. This type of communication is opposed to the imperative and manipulative, because it is based on the principles of equality of communication partners. It occurs when there is a psychological and emotional mood for a conversation; there is a complete confidence in the interlocutor,

whose perception takes place from an equal position. Dialogic communication is aimed at solving common problems. Dialogical (or humanistic) communication allows achieving a deeper understanding, facilitates the self-disclosure of interlocutors. The transition of the police to dialogic communication involves a more attentive approach to the questions that the interlocutor may put and is used to interview children and victims [1, p.14-15].

The quality and course of communication are influenced by certain conditions: place (street, premises); time (morning, day, evening); circumstances of communication (ordinary or conflicting); duration of communication. The technique of communication in the professional activities of the police officer includes a number of important components to be followed:

- express one's thoughts and inform clearly;
- be able to use voice and intonation properly;
- listen and understand the interlocutor;
- persuade, debate, criticize, counsel;
- have a sense of humor, demonstrate speech ingenuity;
- establish psychological contact with different categories of communication partners;
- to create an informal and business environment in the process of communication;
- establish and maintain trusting relationships;
- communicate in different roles and positions;
- manage initiative and distance in communication;
- regulate psychological states, emotions of communication partners;
- manage one's own state during communication.

Police's address to citizens has the following sequence:

1. Introduction (position, special rank, surname);

2. Grounds for addressing (for example: *"You violated the Traffic Rules"*);

3. The essence of the addressing (for example: *"Present, please, your documents"*);

4. Continuation of the dialogue if necessary (for example: *"We ask you to provide an explanation regarding ..."*);

5. Ending the dialogue (for example: *"Thank you for understanding. Have a nice day!"*).

The ethics of interpersonal communication between policemen and citizens is as follows:

- Greeting *(Good morning, Good afternoon, Good evening);*
- Addressing *(Dear Lady, Citizens);*
- Request *(Let us..., Please, Would you be so kind?);*
- Consent *(Well, I agree with you);*
- Gratitude *(Thank you);*
- Apologies *(I beg your pardon, Sorry, Excuse me!);*
- Farewell *(Good bye! Be healthy!)* [1, p.26-27].

Practical guidelines on the culture of communication between police officers and citizens include the following – the policeman must be friendly and smiling; not use non-normative and slang vocabulary; show sensitivity to others; at the request of citizens, always listen carefully and provide a comprehensive and clear answer; when it is necessary to make a remark to a citizen, it should be done as correctly as possible; be restrained with a citizen who is under the influence of alcohol, even if he behaves incorrectly; never respond with rudeness, especially during detention of criminals and persons suspected of committing a crime; make sure that their behavior does not provoke unwanted events; say goodbye, thank for the fact that the citizen has paid attention [1, p.40-43].

Thus, professional communication of a policeman is a kind of specially organized interaction of people, the content of which is the knowledge, the exchange of information and the influence of the participants of the communicative process on each other in order to solve law enforcement tasks.

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ANALYSIS OF LAWMAKING IN GREAT BRITAIN

State Organs of Great Britain include the monarchy, the legislative, executive and judicial organs of Government. The Monarchy is the most ancient institution in the United Kingdom, with a continuous history stretching back over a thousand years.

The Monarchy is hereditary. Queen Elisabeth II, who succeeded to the throne in 1952 is the head of the judiciary, the commander-in-chief of the Armed Forces of the Crown and the temporal head of the established Church in England. Her Majesty`s Government in the name of the Queen who must act on the advice of her ministers.

The Parliament of the United Kingdom consists of the Queen (hereditary monarch), the House of Lords (almost 1100 unelected members or peers) and the House of Commons (651 elected Members of Parliament). [1]

All three combine to carry out the work of Parliament. The House of Lords is still a hereditary body. It consists of the Lords Temporal and the Lords Spiritual. The House of Lords is presided over by the Lord Chancellor who is the Chairman of the House.

The House of Commons is an elected and representative body. Members are paid a salary and allowance. The Speaker of the House of Commons is elected by the members of the House immediately after each new Parliament is formed. The Government consists of approximately 100 members of the political party, which has the majority of seats in the House of Commons.

The functions of Parliament are: making laws, providing money for the Government through taxation, examining government policy, administration and spending, debating political questions. [2] Every year Parliament passes about about a hundred laws directly, by making Acts of Parliament. Because this can be a long process, the Parliament sometimes passes a very general law and leaves a minister to fill in the details. In this way, it indirectly passed about 2000 additional rules and regulations. No new law can be passed unless it has completed a number of stages in the House of Commons and the House of Lords. The monarch also has to give a Bill the Royal Assent, which is now just a formality. [3]

Since 1707 no sovereign has refused a Bill. Whilst a law is still going through the Parliament it is called a Bill. There two main types of Bills – Public Bills, which deal with matters of public importance and Private Bills, which deal with local matters and individuals. One example of a Government Bill is the Sea Fish (Conservation) Bill of 1992-1993, which affects the amount of time that fishing boats may spend at sea. Although a rather old example, it illustrated well how a Government Bill becomes an Act of Parliament. This particular Bill was introduced into the Commons by the Minister of Agriculture, Fisheries and Food.

Public and Private Bills are passed through the Parliament in much the same way. When a Bill is introduced in the House of Commons, it receives a formal first reading. It is then printed and read a second time, when it is debated but not amended. After the second reading the Bill is referred to a committee, either a special committee made up of certain members of the House, or to the House itself as a committee. Here it is discussed in detail and amended if

necessary. The Bill is then presented for a third reading and is debated. If the Bill is passed by the Commons it goes to the Lords, and provided it is not rejected by them, it goes through the same procedure as in the Commons. [4]

At the third reading stage, the House decides to pass the Bill as a whole. The Bill cannot be changed at this stage – it is either accepted or rejected. Once the Bill has passed its third readings in the Commons, one of the Clerks at the Table carries the Bill to the House of Lords.

The power of the Lords to reject the Bill has been severely curtailed. A money Bill must be passed by the Lords without amendment within a month of being presented in the House. [5]

The Act of 1949 provides that any Public Bill passed by the Commons in two successive parliamentary sessions and rejected both times by the Lords, may be presented for a Royal Assent, even though it has not been passed by the Lords. The Lords, therefore can only delay the passage of a Public Bill, they cannot reject it. The House of Lords has the job of reviewing Bills received from the Commons. The House of Lords often makes changes to Common Bills. Once both Houses of the Parliament have passed a Bill, then it has to go to the Queen for the Royal Asent.

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COMMUNICATION IN LAW: THE PROBLEM OF INTERCULTURAL COMMUNICATION

It is noted that legal communication is a natural process, a social phenomenon, caused by the intensification of economic and political development of society and certain anthropological qualities of man and law.

Usually, communication refers to the social phenomenon that occurs between people, or the so-called socially coordinated behavior of people, that is, communicative behavior.

The main task and understanding of communication in the theory of law can be defined as the interaction between subjects in the context of sign systems, and as an action oriented to semantic communicative perception to achieve social goals and to preserve the individuality of each person.

Characteristic feature for modern law is its polyphony, which is the opposite of proper and essential. The essence of polyphony is reduced to the interaction of real and ideal. The communicative concept of law that we support implies that any legal system should have an ideal communicative recipient when improving national institutions.

Since the law sets limits for human interaction and communication, it develops through communication. This process was reflected in customary law;

now – in parliamentary debates during the preparation of bills or in making judgments; in the scientific debate that will form the basis for future judicial or statutory changes to the legislation. In today's pluralistic societies, such extensive communication exists among lawyers, politicians, and the public, especially with regard to discussing important moral and political issues.

In the broadest sense, communication is called "interactivity", that is, interaction, information exchange, contacts. Sometimes it focuses on the psychological aspects of interactions and the present stage of globalization and intercultural relations.

The notion of communication involves the consideration of different opinions and encourages the dialectical exchange of them. Such an approach should warn us from one-sided analysis and conclusions, in addition, the problems of legal theory and practice point to the philosophical notion of rationality that lies behind them. In our opinion, attention should be paid to the legal communication between different legal systems, structures, between the western construction of law and national law.

From the above it follows that legal communication is a kind of social communication; based on legal norms, it is the procedure of interaction between subjects, consisting in the exchange of legal and other information aimed at satisfying their legitimate interests and needs.

Legal communication is characterized by a sequence of actions that are determined by the appropriate legal means having a dispositive and imperative character. Legal communication consists of elements, has a complex structure and requires the stability of ties, which makes it possible to preserve its integrity in conditions of internal and external changes [4].

Problems in communication do not only occur because of language differences or cultural diversities, but also because of our attitudes when confronted to these diversities. The notion of ethnocentrism is a sociological concept that states, that our customs, beliefs and attitudes are of central im-

portance and a basis for judging all other groups. Ethnocentrism derives from patriotism and an overwhelming pride of one's culture [2].

Basically, we become infatuated with our own culture, we tend to dismiss others without any sensible logic. Ethnocentrism is also linked to cultural exclusion which regroups all the different cultures into one: diversity is unacceptable. Ethnocentrism is quite normal and present in all of us, since we all take some type of pride in our culture.

However, ethnocentrism can lead to a stereotypical view on other cultures. According to sociologists the real issue is not whether the content of stereotypes is true or false, but the causal misperceptions that accompany them. An example is the belief held by many Whites that poverty of Blacks is due to their racial characteristics, ignoring the environmental circumstances that are real cause of their low income. Hence, this type of attitude is harmful to the communication process since one communicator has a premature judgement about the other [3].

Privileged communication, in law, is communication between persons who have a special duty of fidelity and secrecy toward each other. Communications between attorney and client are privileged and do not have to be disclosed to the court.

The right of privileged communication exists between husbands and wives in that they are not required to testify against each other. In many jurisdictions the privilege exists between doctors and patients, as the courts have recognized that the basis of a doctor-patient relationship is trust, which would be negated if the doctor was forced to reveal patients' notices in court.

However, in some circumstances doctors may be required to disclose such information if it is determined that the right of the defendant to receive a fair trial outweighs the patient's right to confidentiality. In some jurisdictions members of the clergy have limited rights to refuse to testify in court on matters communicated to them in confidence.

In conclusion, we come to realize that intercultural communication encompasses many problems. Language represents one of the many obstacles, since each culture has its proper expressions, structure and grammar.

Moreover, each language is linked to a specific dialect which is associated with educational, economic, social and historical conditions.

Moreover, cultural variations also exist in the rules for general discourse in oral communication. Similar to verbal communication, there are also variations in non-verbal communication between cultures. Gestures, facial expressions, sense of time and personal distance take different forms in different cultures.

Furthermore, there is an infinite number of cultural diversities which are at the root of intercultural miscommunication. Variations in values, social relationships, religion, economy and politics consist of only a few of these diversities. These differences can be the source of ethnocentrism, if one becomes over patriotic in regards to one`s own culture.

Ethnocentrism, is the concept which states that we tend to judge other cultures through our own. Ethnocentric behavior can cause racism and chauvinism, as in the case of the Second World War. However, intercultural problems can be avoided if we all develop mindfulness, a sense of flexibility and seek information about the other culture [1].

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TREATMENT OF PSYCHOLOGICAL WAR TRAUMA IN MODERN SOCIETY

This article focuses on the psychological trauma affecting soldiers and civilians who have encountered the violence of war or terrorism.

Irit Keynan states that, unfortunately, we cannot expect to see a drop in the number of war victims, including war trauma victims, in the near future. Many new armed conflicts have flared up in different parts of the world, while other long- standing conflicts have persisted without resolution [6]. Though there have not been any world wars since the Second World War, there have been wars and conflicts throughout the last 60 years. For example, in the 22 countries of the Eastern Mediterranean region of the World Health Organization (WHO), over 80% of the population either is in a conflict situation or has experienced such a situation in the last quarter of century [7]. Irit Keynan mentions only three salient war situations: a conflict between Russia and Ukraine; in Syria thousands of people are killed every week in clashes between the government and insurgents; and in Iraq, the Islamic State (ISIS) militants leave terror and horror in their wake wherever they go, prompting renewed intervention by the US and probably other countries [6].

For a century the world ignored the existence of post-traumatic stress disorder (PTSD). A full hundred years passed between the initial discoveries made by Freud, Breuer, and Janet regarding psychological trauma and its acceptance as a legitimate medical syndrome. Denial of the existence of PTSD stemmed also from ideological and economic factors and the competing percep-

tions and ego-conflicts between and within relevant professions. Physicians found it hard to abandon old paradigms, insurance companies feared the ensuing claims should the syndrome be recognized, military leaders saw it as a threat to the myth of the fearless warrior, while for pacifists, PTSD signalled only inappropriate behaviour by soldiers during war. All of this placed the issue of psychological trauma at the centre of intense and ideologically charged disputes [5].

War leaves emotional scars on all who take part: defeated or victor, soldier or civilian. Their pain is invisible, and they are often left with feelings of solitude, the din of carnage refusing to fade. These are the bloodless victims, those psychologically traumatized by war. Recovery involves overcoming painful memories, coping with loss and with questions of meaning, and reassembling the puzzle of one's life, making the pre- and postwar pieces fit together.

According to the accepted definition of the international psychiatric establishment, sufferers of PTSD experience four types of symptoms:

- **intrusion or re-experiencing** — the persistent and uncontrollable re-experiencing of the traumatic event, whether in dreams or in the form of intrusive thoughts or flashbacks;
- **avoidance —** an emotional numbing, repression, or sense of detachment, which serves to alleviate the distress caused by the uncontrolled recollection of distressing memories, thoughts, feelings, or external reminders of the trigger event;
- **hyperarousal** — excessive sweating, nervousness, irritability, tension, difficulty sleeping, and problems concentrating, all marked by aggressive, reckless, or self-destructive behaviour;
- **negative cognitions and mood** — represent myriad feelings, from a persistent and distorted sense of blame of self or others to estrangement from others or markedly diminished interest in activities [6].

For today's soldiers, there is now a range of research-informed treatments available for PTSD. It is well known that early diagnosis and treatment is

important – the longer someone experiences PTSD without treatment, the harder it can be for them to recover.

The first line of treatment is one of the evidence-based psychological therapies – trauma-focussed cognitive behavioural therapy, cognitive processing therapy, and eye movement desensitisation and reprocessing. The aspects of these treatments assist the patient to confront distressing memories, reduce avoidance responses, address distorted thinking, and teach strategies to reduce distress and arousal. A lot of people with significant PTSD will also be treated with medication, predominantly antidepressants. There is reasonable evidence for them being helpful, too.

One way of treating disorders is to prevent their onset. However, little is known about the role of prevention in PTSD, although some promising results from "combat stress control units" are available [2]. Potential preventive interventions may be classified into three categories: primary, secondary and tertiary [8]. Primary prevention includes the deployment selection process and coaching of soldiers prior to exposure to potentially traumatizing events [3]. Secondary prevention includes several short and highly effective psychological methods (i.e. psychological debriefing) used immediately after traumatizing life events. Tertiary interventions include various types of professional treatments [8].

There are a few guidebooks, which intend to teach members of the armed services to treat themselves following deployment. The book "Courage after fire: Coping strategies for troops returning from Iraq and Afghanistan and their families" by Keith Armstrong, Suzanne Best, and Paula Domenici serves as a handbook for soldiers (and their affiliates) who have been deployed and feel affected by PTSD [1]. This book includes self-help materials based on cognitive-behavioural treatment (CBT). The authors focus on healthy and self-healing human structures, like inner strength and resiliency. They emphasize that psychological symptoms upon return are normal and transient and, moreover, that

only a few soldiers will eventually develop a post-traumatic stress disorder (PTSD).

One of the new biological treatments is transcranial magnetic stimulation (TMS), which stimulates the brain with a magnetic field generated by an electrical current, and is already an established treatment for severe depression.

One of the latest developments in treating PTSD involves "virtual therapy". This method can be utilized for both preventive and therapeutic purposes. Within this therapeutic process, soldiers are exposed to computer-animated scenarios set in their region of deployment. These animations emulate realistic situations that soldiers may experience in the field and allow them to train their responses or revive their memories. [7].

To sum up, it is necessary to find highly skilled professionals that specialize in different types of war trauma. Because of everything soldiers go through when in combat situations, it's important for them to reintegrate into civilian life and make changes to cognitive thinking. Sometimes just the knowledge that they're not alone is enough to help with treatment for some people.

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PHILOSOPHY OF VALUABLE COMPONENT OF LEGAL EDUCATION

The current development of legal education in the world, a variety of approaches to its content, standards, mechanisms for assessing the quality of legal education and universal access to the legal profession, and the criteria to be met by law schools and directly by a lawyer, encourage the philosophical understanding of this problem in a scientific sense, research meaning, purpose and logic of legal education, its values for the human community, civil society, and the state.

The increased attention to legal education in the context of globalization processes in the world is largely associated with those social phenomena that are due to the transformation of consciousness, ideological aspects of the relationship of law and state, aspirations from the standpoint of modern ideas of

justice, the right to explain reality, the protection of rights and human freedoms and so on.

Of particular importance is this problem in the context of reforming education in Ukraine, where it is impossible to develop legal education aimed at training a lawyer in accordance with its fundamental role - the assertion of the rule of law through the protection of human rights and freedoms without a philosophical and legal analysis both in a natural and a positive way, without a thorough study of national traditions, solving urgent problems of reforming the content of modern legal education in the leading foreign countries and defining the value component of the legal education. In general, complex state-building processes of modern Ukraine are impossible without studying the problems that concern human rights and freedoms, the realization of its natural rights in the practice of positive law, the mastery and implementation of legal education.

Philosophy of law (or legal philosophy) is concerned with providing a general philosophical analysis of law and legal institutions. Issues in the field range from abstract conceptual questions about the nature of law and legal systems to normative questions about the relationship between law and morality and the justification for various legal institutions.

Law is, first and foremost, a *discursive* discipline: lawyers and judges live in the domain of reasons and meanings. We interpret statutes and cases, articulate rules to guide behavior, and then argue about their import in particular cases. Judges write opinions, in which they give reasons for their conclusions. Lawyers offer arguments to persuade judges. Even lawyers who never argue cases in court still deal continuously with rules, their meanings and entailments.

Philosophy is, of course, the discursive discipline *par excellence*. The English philosopher John Campbell (who now teaches at Berkeley) famously and quite perceptively described philosophy as “thinking in slow motion.” Lawyering, especially in an oral argument before an appellate court, is often “thinking in fast motion,” but the key fact is that both disciplines are concerned with

rational and logical thought. Lawyering typically demands more attention to rhetoric than has philosophy, at least since the time of the Sophists in the 5th-century B.C. But the pejorative connotation of "sophistry" that has come down to us from Plato's successful defamation of the Sophistic philosophers should not mislead us: there is an art to persuasion, and that art is only partly exhausted by the rules of formal and informal logic.

It is equally important, however, that philosophy as a discipline concerns itself with literally everything, whether science or art or morality or law. We can always ask of any of these domains of human activity, "What is its nature? What makes it what it is?" Philosophers have asked this about science, about art and also about law. This is why "Jurisprudence" — philosophical theorizing about the nature of law and legal reasoning, and the differences between law and morality — has been a staple of the curriculum wherever law is taught at the university level.

As with many areas of philosophical inquiry, philosophical inquiry into law simply brings to light and makes explicit what is often implicit and unargued. We have all heard someone criticize a Supreme Court decision as "politically motivated, rather than following the law." But that already presupposes we know where the boundaries of law and politics are located, precisely what jurisprudential inquiry tries to illuminate! So, too, when commentators criticize a judge's reasoning in support of her conclusion, they invariably presuppose claims about the nature of law, legal interpretation and the character of legal reasoning. It is the task of jurisprudence to brings those presuppositions out in the open and subject them to scrutiny.

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CRIMINAL ENTERPRISE

The FBI defines a criminal enterprise as a group of individuals with an identified hierarchy, or comparable structure, engaged in significant criminal activity. These organizations often engage in multiple criminal activities and have extensive supporting networks. The terms Organized Crime and Criminal Enterprise are similar and often used synonymously. However, various federal criminal statutes specifically define the elements of an enterprise that need to be proven in order to convict individuals or groups of individuals under those statutes [1, 15-22]. The Racketeer Influenced and Corrupt Organizations (RICO) statute, or Title 18 of the United States Code, Section 1961(4), defines an enterprise as "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." The Continuing Criminal Enterprise statute, or Title 21 of the United States Code, Section 848(c)(2), defines a criminal enterprise as any group of six or more people, where one of the six occupies a position of organizer, a supervisory position, or any other position of management with respect to the other five, and which generates substantial income or resources, and is engaged in a continuing series of violations of subchapters I and II of Chapter 13 of Title 21 of the United States Code.

The FBI defines organized crime as any group having some manner of a formalized structure and whose primary objective is to obtain money through

illegal activities. Such groups maintain their position through the use of actual or threatened violence, corrupt public officials, graft, or extortion, and generally have a significant impact on the people in their locales, region, or the country as a whole [3, 12-27].

Significant Racketeering Activity. The FBI defines significant racketeering activities as those predicate criminal acts that are chargeable under the Racketeer Influenced and Corrupt Organizations statute. These are found in Title 18 of the United States Code, Section 1961 (1) and include the following federal crimes: Bribery, Sports Bribery, Counterfeiting, Embezzlement of Union Funds, Mail Fraud, Wire Fraud, Money Laundering, Obstruction of Justice, Murder for Hire, Drug Trafficking, Prostitution, Sexual Exploitation of Children, Alien Smuggling, Trafficking in Counterfeit Goods, Theft from Interstate Shipment, Interstate Transportation of Stolen Property.

Ongoing conspiratorial enterprise engaged in illicit activities as a means of generating income (as black money). Structured like a business into a pyramid shaped hierarchy, it freely employs violence and bribery to maintain its operations, threats of grievous retribution (including murder) to maintain internal and external control, and snuggery and contribution to election campaigns to buy political patronage for immunity from exposure and prosecution. Its activities include credit card fraud, gun running, illegal gambling, insurance fraud, kidnapping for ransom, narcotics trade, pornography, prostitution, racketeering, smuggling, vehicle theft, etc [4]. It is frequently accomplished through ruthless disregard of any law, including offences against the person, and frequently in connection with political corruption." Paul Nesbitt (head of Interpol's Organized Crime Group) defined it in 1993 as, "Any group having a corporate structure whose primary objective is to obtain money through illegal activities, often surviving on fear and corruption."

Search volume for organized crime

Within Canadian law enforcement, a legal definition for organized crime has only existed since the late 1990's following the enactment of Bill C-95.

Amendments to this area of the Criminal Code have led to the present legal definition found within section 467.1(1) of the *Criminal Code of Canada*, which states a "criminal organization" means a group, however organized, that: The various components that comprise this legal definition are based on the exclusion of a group of three of more persons that has formed randomly for the immediate commission of a single offence [2, 12-19]. Most of the major international organized crime groups are active within Canada. These groups include: Asian, Eastern European, Italian, and Latin American organizations, outlaw motorcycle gangs, and a variety of domestic groups.

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CRIMES SUBJECT TO UNIVERSAL JURISDICTION: GENOCIDE MANS ACTING WORSE THAN ANIMALS

In the past 150 years, tens of millions of men, women and children have lost their lives in genocide or mass atrocities. Millions have been tortured, raped or forced from their homes.

The past genocides and mass atrocities described below represent just some of the historic examples that serve to remind us what's at stake if we let genocide happen again. We must learn, remember and take action to end genocide once and for all.

Genocide is intentional action to destroy a people in whole or in part.

The United Nations Genocide Convention, which was established in 1948, defines genocide as "acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group".

The term genocide was coined by Raphael Lemkin in his 1944 book *Axis Rule in Occupied Europe*. It has been applied to the Holocaust, and many other mass killings including the genocide of indigenous peoples in the Americas, the Armenian Genocide, the Greek genocide, the Assyrian genocide, the Serbian genocide, the Holodomor, the Indonesian genocide, the Guatemalan genocide, the 1971 Bangladesh genocide, the Cambodian genocide, and after 1980 the Bosnian genocide, the Kurdish genocide, the Darfur genocide, and the Rwandan genocide. Others are listed in Genocides history and List of genocides by death toll.

The Nazi Holocaust (1933- 1945, from 5 million to 17 million) was the deadliest and most infamous genocide of the 20th Century. Over 6 million Jews were massacred between 1933 and 1945 by German state sponsored policies headed by Adolf Hitler. The genocide was carried out initially in German occupied Europe and later, with Hitler's growing power, spread to other European countries. The Jews were shown no mercy and without any justification, they were brought to extermination camps where they were either shot by paramilitary death squads or killed by exposure to toxic gases. Nearly 78% of European Jews were killed in this genocide. Apart from 6 million Jews, it is estimated that around the same number of non-Jewish peoples were also killed over the course of the Nazi Holocaust, including various Slavic groups, Poles, Roma, Serbs, prisoners of war taken from the Soviet Union, African-Europeans, Middle Eastern peoples, homosexuals, mentally and physically disabl d persons, political prisoners (especially Communists and Spanish Republicans taken fromFrance), Jehovah's Witnesses, and Free Masons.

After the Holocaust, which had been perpetrated by Nazi Germany and its allies prior to and during World War II, Lemkin successfully campaigned for the universal acceptance of international laws defining and forbidding genocides. In 1946, the first session of the United Nations General Assembly adopted a resolution that "affirmed" that genocide was a crime under international law and enumerated examples of such events. In 1948, the UN General Assembly adopted the *Convention on the Prevention and Punishment of the Crime of Genocide* (CPPCG) which defined the crime of genocide for the first time.

The *CPPCG* was adopted by the UN General Assembly on 9 December 1948 and came into effect on 12 January 1951 Resolution 260 . It contains an internationally recognized definition of genocide which has been incorporated into the national criminal legislation of many countries, and was also adopted by the Rome Statute of the International Criminal Court, which established the International Criminal Court . Article II of the Convention defines genocide

as: … any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily harm, or harm to mental health, to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

The most horrific world genocides:

The Nazi Holocaust (1933- 1945, from 5 million to 17 million).

Armenia (1915- 1922, from 700.000 to 1 million) - ethnic Armenians living in the Ottoman Empire were rounded up, deported and executed on orders of the government.

Holodomor (1932-1933, from 1.8 to 7.5 million) is a genocide of the Ukrainians. It was committed by leadership of the Soviet Union with the aim of making Ukrainians obedient and the ultimate elimination of Ukrainian opposition regime including efforts to build an independent from Moscow Ukrainian State. In 2006 by the Law of Ukraine "About the Holodomor of 1932-1933 in Ukraine" Holodomor was recognized as genocide against Ukrainian people. In 2010, by the resolution of Court of Appeal in Kyiv region was proved the genocidal nature of Holodomor, the intention of Stalin, Molotov, Kaganovich, Postyshev, Chubar, Khatayevych, Kosior to destroy a part of the Ukrainian nation. In 1932 - 1933 were killed more than 7 million people in the Ukrainian SSR and 3 million of Ukrainians abroad in the regions which were historically populated by Ukrainian: Kuban, the North Caucasus, Lower Volga and Kazakhstan.

Bangladesh Genocide (1971, from 300,000 to 3 million). In 1971, the people of Eastern Pakistan revolted against their government demanding a

separate, independent state for themselves. In the nine month Bangladeshi War of Independence fought by the Bengalis of the region, nearly 300,000 to 3,000,000 people were brutally killed by the military force of Western Pakistan. The genocide was launched on March 26, 1971, deemed as Operation Searchlight. A large number of women were also raped during this event. Clashes also broke out between Urdu-speaking Bihari Muslims and Bengali speaking Muslims in the region. The war ended with the formation of the newly independent nation of Bangladesh.

Cambodia (1975-79, from 1.3 to 3 million). When the Khmer Rouge took control of the Cambodian government in 1975 they began a "re-education" campaign targeting political dissidents.These citizens, including doctors, teachers and students suspected of receiving education were singled out for torture at the notorious Tuol Sleng prison. In the four years after they took power, between 1.7 and 2 million Cambodians died in the Khmer Rouge's "Killing Fields."

Rwanda (1994, from 500.000 to 1 million). Civil war broke out in Rwanda in 1990, exacerbating tensions between the Tutsi minority and Hutu majority. In 1994, returning from a round of talks, Rwandan President Juvenal Habyarimana was killed when his plane was shot down outside of the country's capital, Kigali.Habyarimana's death provided the spark for an organized campaign of violence against Tutsi and moderate Hutu civilians across the country.

Darfur (2003 over 2 million people): Over a decade ago the Government of Sudan carried out genocide against Darfuri civilians, murdering 300,000 & displacing over 2 million people. In addition to the ongoing crisis in Darfur, forces under the command of Sudanese President Omar al-Bashir have carried out attacks against civilians in the disputed Abyei territory, and the states of South Kordofan and Blue Nile.

Kazach (1975-79) - from 1,3 to 1.7 million suffered genocide from the Soviet government.

***Atrocities Against Native Americans*:** For hundreds of years a mixture of colonial conflict, disease, specific atrocities and policies of discrimination has

devastated the Native American population. In the course of this time, it is estimated that over nine million Natives died from violent conflicts or disease. For too long this history has been under-recognized and too little discussed.Today there are over 500 Native American tribes in the United States, each with a distinct culture, way of life and history. Even today, Native Americans face large challenges to cope with

Why genocides occur? The components of the answer are:

• **A feeling of superiority/inferiority**: *The perpetrators of a genocide do not regard their victims as equal or equivalent to themselves.* The Nazis loudly proclaimed how the Jews were inferior, but their propaganda showed that the were convinced that the Jews were secret masters of the world, and intended to dominate or enslave them.

• **Hatred:** As a result of the feelings mentioned above, the perpetrators come to hate the victims as a class, despite good feelings to individual members of the victim community. This is the reasoning behind the classic rationale, "I'm not a bigot; some of my best friends are ____. " The person who says it might like certain individuals of the victim group, but regards the group itself with hatred, envy, or dismay.

• **Imbalance of power:** The perpetrators are able to impose the genocide on the victims despite the victim's attempts to prevent it. Even if every Jew in Europe had possessed a firearm, they would not have had the numbers or the skills necessary to stop the Germans, and they certainly did not have the organization, consolidated leadership—or the guns, tanks, and planes—that would have been necessary.

• **Leadership:** A leader or leaders who can organize and unleash the genocide. Antisemitism had existed in Europe for centuries. Local leaders had unleashed it in certain areas. But only when Hitler took over the power of the German state were the Nazis able to launch the Holocaust.

• **Dehumanization:** As said earlier, the perpetrators do not regard the victims as equal to or equivalent to themselves. It is but a short step from re-

garding a group as inferior to regarding them as unworthy of the rights of other human beings. And once they victim group has been regarded as subhuman, then it is okay to do whatever you like to them.

In general, it is human greed .. ignorance and superstition .. racisms .. etc. All of which often lead to large scale murder when organized by institutions or governments or powerful leaders .. and is a world wide phenomena of sorts to greater or lesser degree , throughout history. We tend to think in terms of the Holocaust as being a prime example, but it is certainly not the only one . The beginning of a modern version of it is brewing now with refugees and especially muslims in many countries which could lead to genocide if unchecked , and has started to evolve into it in some countries (such as India).

Substantively, this means that genocide will occur, firstly, in autocracies, in which the ethnicity of the government members is salient when an exclusionary ideology is present or the country is in a state of major political upheaval. The second set of configurations suggests that autocracies with exclusionary ideologies experience genocide when their economies are autarkic and the county is either in a state of political upheaval but not at war, or reversely at war but not in a state of political upheaval. Lastly, a remainder of genocides can be predicted in countries in which the ethnicity of the elites is salient, but in which there is no exclusionary ideology when the country's economy is autarkic, the state is in political upheaval and at war .

Under the convention of 1948, all 147 UN states have a duty to "prevent and punish" genocide.Countries are obligated to stop "genocide" by military force if necessary, which some claim has made states shy away from classing cases - such as Rohingya - as genocide. In his book Rwanda and Genocide in the 20th Century, Alain Destexhe, former secretary-general of international aid charity Medecins Sans Frontieres, said genocide has lost its initial meaning.He said: "Genocide is a crime on a different scale to all other crimes against humanity and implies an intention to completely exterminate the chosen group

"Genocide is therefore both the gravest and greatest of the crimes against humanity."

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TOPICAL ISSUES OF MODERNIZATION EDUCATIONAL SYSTEM OF UKRAINE

Among the most important strategic tasks of improving the educational system in Ukraine is the bringing of education to the level of developed countries by reforming its conceptual, structural and organizational principles. Modernization of the educational system is now a public need and a fundamental condition for Ukraine's integration into the European intellectual space.

Education should become a social institution that would provide people with a variety of educational services that will allow them to study continuously, provide a wide range of people with the opportunity to receive postgraduate

education and additional education. To do this, it is necessary: diversify the structure of educational programs, provide an opportunity for each person to construct an educational trajectory that best suits his educational and professional abilities [1].

One of the reasons for the actualization of the issues of modernization of education, self-determination and self-realization of the individual are globalization processes, which are gaining increasing scope and forcing Ukraine, without abandoning national peculiarities and interests, to share the relevant general key problems of European states. After all, in the post-industrial society, the system of education begins to emerge on the forefront - both in terms of value and financial means. Society needs educated personnel, because work is becoming more intellectual and creative. Personal are moving into the field of production of knowledge, information, services. Globalizing, the world becomes common, generating new challenges and perspectives, therefore, common approaches and requirements in the field of education and self-determination of the individual should be developed.

In the relatively short period of independence in Ukraine, there have been serious social and economic transformations that Western societies have been experiencing for centuries. Accessibility of higher education to every person led to the inversion of its social status: graduation from college, after college education, today is more profitable and reliable, because guaranteed better employment and higher salary. Therefore, in order to integrate into the European educational space, Ukraine, as in Western countries, must expand the reception of entrants so that equal access to higher education institutions is accessible to everyone. And just during the studying process should be dropped out with free competition of students. Then they will remain the most capable, organized and talented. Society has already realized that the success of its economy is determined not by origin, but by diligence and education of everyone.

The solution of the key issues of individual self-determination in the context of Ukraine's accession to the European intellectual integration space should be sought in the positive experience of the education of western countries.

Due to the differentiation of education, the societies of developed countries have created conditions for a high level of individualization of a person, its self-development, self-determination and self-realization. In Ukraine, we must take the best foreign experience and adapt it to the national soil in order to quickly integrate into the European intellectual educational space, while simultaneously addressing ethno-regional and language problems. At the same time, we must overcome the disadvantages of the education system, which weaken the competitiveness of our country. One of the steps that brought Ukraine closer to the European community was the introduction of an independent testing education system that eliminates corruption in obtaining a certificate of secondary education and admission to higher education institutions.

It is important to use informational means of communication in educational institutions of Ukraine. Using the Internet facilitates the development of skills for obtaining information, helps the student to identify their own interests. In addition, the importance of not only acquiring knowledge, but also the ability to use them, is increasing. Thus, it is a question of the actual problem for the whole educational space of Europe - the competence of students. It was the preparation of an independent, viable, competent, competitive personality capable of self-determination, to the choice of the first profile of education, and then - and the profession became the task of the modern Ukrainian school. One of the ways to achieve this goal can be considered to improve the mechanism of organization of academic mobility, which is based on the introduction of high educational standards, the improvement of the qualifications of teachers and students through the coordination of scientific and pedagogical contacts with relevant institutions abroad.

Academic mobility is carried out on the basis of intergovernmental agreements on cooperation in the field of education, the conclusion of agreements on cooperation between a foreign higher education institution and a Ukrainian higher education institution, between two institutions of higher education of Ukraine, between a group of higher educational institutions of different countries in accordance with agreed and approved agreements in accordance with the established procedure about student training and curriculum programs.

In the issues of self-determination of young people, special significance becomes continuous learning. Continuing education provides an opportunity for acquaintance of higher education graduates with all the achievements of world culture, avoiding repetition and tautology during the study of individual disciplines, reducing the term of education without loss of quality [2].

An analysis of the international experience of project activity shows that in many developed countries of the world, one of the important tasks of local self-government bodies is the search for extra budgetary alternative sources of funding and cooperation with international funds, programs and grants.

A number of spheres belong to the exclusive competence of the Member States of the European Union. They achieve their goals through ever closer integration in various spheres. Among them is education. The EU coordinates educational processes in member states, helps them share best practices, foster educational mobility for students and teachers, and maintains partnerships between higher education institutions in different countries. The Union budget funds educational programs, which can be attended by citizens of the Member States and educational institutions.

The combination of EU education efforts in the education sector was a major boost in the year 2000 when the Lisbon Strategy was adopted: a broad program of reforms aimed at economic growth and employment. In 2009, a strategy for European cooperation in higher education and training up to 2020 was adopted. One of the educational goals of the European Union is to achieve

that the share of people aged 30-34 with higher education reaches at least 40%. Co-operation within the framework of the EC in the field of education is based on the mutual recognition by member states of the fact that the high-quality knowledge and high qualifications of the EU citizens is its extremely valuable asset.

To date, Ukraine has a number of international funds that help talented and gifted Ukrainian students to improve the quality of their professional training on the basis of recognized scientific and educational institutions in the world.

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MANSLAUGHTER IS A HOMICIDE WITHOUT PREMEDITATION IN ENGLISH LAW

There are two types of manslaughter: voluntary and involuntary. It is an unjustifiable, inexcusable, and intentional killing of a human being without

deliberation, premeditation, and malice or the unlawful killing of a human being without any deliberation, which may be involuntary, in the commission of a lawful act without due caution and circumspection."

Under English law, manslaughter is a less serious offence than a murder. In England and Wales, the usual practice is to prefer a charge of a murder, with the judge or defence able to introduce manslaughter as an option. The jury then decides whether the defendant is guilty or not guilty of either murder or manslaughter. Manslaughter may be either voluntary or involuntary, depending on whether the accused has the required *mens rea* for murder. The Homicide Act of 1957 and Coroners and Justice Act of 2009 are relevant acts.

A voluntary manslaughter occurs when the defendant avails themself of the three statutory defenses described in the Homicide Act 1957 (provocation, diminished responsibility, and a suicide pact).

An involuntary manslaughter occurs when the agent has no intention (mens rea) of committing murder, but caused the death of another through recklessness or criminal negligence. The crime of involuntary manslaughter can be subdivided into two main categories: constructive manslaughter and gross negligence manslaughter. [1].

Previously, all deaths which were not murders were classified as "manslaughters" – however, the law now requires that the death fits a particular type of a manslaughter. A modern manslaughter does, however, retain a very wide scope.

There are three main forms of a manslaughter in the English law: voluntary manslaughters, cases which would otherwise amount to murder but for some legally recognised mitigating factor; and involuntary manslaughters which include cases of gross negligence manslaughter and unlawful act manslaughters [2].

The Corporate Manslaughter and Corporate Homicide Act of 2007 (henceforth, CMCHAct) covered corporate *bodies* – its scope was not confined to for-profit organizations. Explicitly *excluded* was the possibility of directors

and senior managers being prosecuted under the Act. In its *Comments on the Law Commission's Draft Involuntary Homicide Bill*, the Government had stated that it considered 'that there is no good reason why an individual should not be convicted for aiding, abetting, counselling or procuring an offence of corporate killing' (Home Office, 2000: 32). In 2002 that view was wholly reversed – and it was at this point that the Institute of Directors moved from opposition to the Government's reform proposals to vociferou support for a change in corporate manslaughter law (see, for example, *The Safety and Health Practitioner*, December 2002: 4) [3].

Manslaughter in the UK is defined as a murder without premeditation. There are two types of manslaughters. Here's how they are defined: 1. Voluntary manslaughter – whereby the defendant is found to have had the intent to kill or cause serious bodily harm to the victim. This conviction can only stand if the defendant pleads one of two partial defences against an offence of murder – loss of self control or reduced mental capacity. Without either of these defences, the offence will be classified as murder. 2. Involuntary manslaughter – the defendant is found to be responsible for the offence of murder, but there is no clear motive for the act Vehicular manslaughter is the crime of causing the death of another individual due to the illegal driving of a vehicle and the sentence for dangerous driving can take many forms. Causes of vehicular manslaughter include: gross negligence, drunk driving, drug driving, reckless driving, speeding.

When an accused fails to exercise his capacity in relation to a risk of harm, he may have be given no thought to the risk or may have mistakenly thought or presumed there was no risk. Whether the accused's failure to advert to the risk was caused by drink, drugs, medication or simply absentmindedness, the argument for holding him criminally responsible for inadvertence is that he could have recognised that there was an unjustifiable risk, he ought to have exercised the capacity to recognise it and should not have taken the risk. [4, p. 88-89].

The offence of involuntary manslaughter can be divided into four categories:

1. Unlawful act manslaughter – an intentional unlawful act which must be objectively dangerous and lead to death.

2. Gross negligence manslaughter – a duty of care towards the victim is breached as a result of gross negligence by the defendant, leading to the death of the victim.

3. Subjectively reckless manslaughter – a subjectively reckless act which leads to death.

4. Corporate manslaughter – a gross breach of the duty of care by a company or organisation that leads to a death.

Depending on the severity of the offence – and if it is classified as a voluntary or involuntary act – the maximum sentence for manslaughter in the UK is life imprisonment. However, the judge may impose a lesser sentence.

The following will be taken into consideration before passing a sentence for manslaughter:

- The level of culpability – was the offence involuntary or voluntary manslaughter? Are there any mitigating or aggravating circumstances?
- Whether the defendant poses a threat to the public.
- How best to rehabilitate the defendant and deter them from committing another crime.
- A guilty plea – if the defendant pleads guilty the judge will reduce the sentence by up to one third depending on how early the plea was made.
- Circumstances and history of the defendant – does the defendant have any previous criminal convictions? How old are they?

Prison sentences for manslaughter are complex. If a life sentence is imposed, the judge will set a 'tariff' – a minimum amount of time that a person must serve in prison before they can be released on parole. If the offender is no longer considered a threat to the public, he or she will be released subject to certain conditions.

The imposition of a life sentence is discretionary and relatively unusual as the level of culpability is much lower than that found in a murder conviction. If the judge decides that they needn't to impose such a sentence, they have a full range of alternative sentencing options available to them, which can include suspended sentences or community based sentences.

Where a fixed term prison sentence is imposed, offenders serve half their sentence in prison and half in the community but remain subject to recall to prison if they breach the terms of their release on licence.

In certain cases where the offender may be suffering from a mental illness or disability of the mind at the time of the offence, it is possible that a manslaughter conviction will arise from a defendant pleading guilty to the offence on the grounds that they are suffering from 'diminished responsibility'.

In this instance, the court may decide that a hospital order is the appropriate sentence, whereby the offender is detained in a secure mental health facility for as long as is deemed necessary for their rehabilitation. The issue of diminished responsibility is complex and raises issues of medical evidence and what disposal is appropriate considering the circumstances of the case.

Sentencing is always contentious in regards to manslaughter. The harm caused by any offence that results in a death is immeasurable and often the public can be quick to anger, especially when courts hand out sentences that are seen as too lenient.

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IMPORTANCE OF DEVELOPING GLOBAL CITIZENSHIP

The globalization nowadays causes the destruction of cultural, religious, physical and ideological boundaries between people that makes them understand each other much better. The citizen now has more possibilities of self-and-professional development than in the past. The idea of global citizenship opened the world for people and now they have the access to its legacy. People nowadays can communicate, travel and investigate the world limitlessly due to the global citizenship.

A global citizen is a person who not only feels a sense of civic responsibility to his or her local community,but also to the greater human race.A community is not defined by borders and labels,but rather by the commonalities that all humans share.This particular way of thinking will develop differently for every global citizen, as it can develop through learning about global issues or a foreign language,traveling to other countries,or educating oneself on the effects that personal decisions can have on the world. Global citizenship has nothing to do with erasing borders or creating one mega – nation, but rather, global citizenship is having and acting on an additional feeling of connectedness that encourages people to think globally,and allows them to diversify and expand their communities.

Global citizenship is a way of thinking that helps to increase cultural awareness, resulting in a deeper sense of cultural empathy. First, increasing one's own cultural awareness can help to add pleasure to life as well as positively affect the lives of others. This can be achieved by keeping up with current events, having meaningful conversation with people from other backgrounds, watching documentaries, trying new foods, or traveling to other countries. This awareness of differences and cultural appreciation could be towards a culture's food, dance, music, or religion–anything, really. It is fun and exciting to experience new cultural festivals, see varying types of architecture, and learn how others live. Learning about other culture by means of global citizenship is the most effective way to build bridges between what happens locally and globally.

Nowadays, being a global citizen is beneficial because it has improved many areas of people's live like professional, academic and personal. With the development of mass media and the Internet people all over the world can communicate with each other and be informed about what is happening in their neighborhood as well as on the other corner of the world. According to the political scientist Dominique Moisi, "The world today faces not only a clash of civilizations but a clash of emotions as well" [p. 1]. The benefit of the global citizenship is that the understanding of the other nation's culture develops increasingly as people often share their thoughts and explain why they act in a specific way. This leads to the development of proper associations and emotions.

According to Reysen and Katzarska-Miller, "The confusion regarding global citizenship is exacerbated as theorists draw from diverse disciplines and perspectives (e.g., political, theological, developmental, educational) to define the construct" [p. 859]. This means that theorists in different disciplines highlight what emphasizes global citizenship according to their study. The education is very important, as the global citizen has to have knowledge in different disciplines in order to gather what is highlighted in each into one. But only if a person understands that one is a part of the world and everyone is equal, there is a place for tolerance which maintains peace between the countries. Saski-

aSassen even claims that “One of the ironies is that in so far as the enjoyment of rights is crucial to what we understand citizenship to be, it is precisely the formalized expansion of citizen rights which has weakened the ‘national grip’ on citizenship” [p. 286].

As for me, a global citizen has to get rid of the stereotypes, humiliating, making assumptions, and taking some people less seriously or disrespecting them because of their social status, race or ideological views. Valuing diversity means respecting all the people regardless of their social identity as everyone is special and deserves good attitude. In my opinion, the society’s diversity plays a great role in the development of global citizenship as sharing different ideas, ideologies and traditions bring people together. In case people know that every person is apriori unique, there will be no negative stereotypes or prejudice. So, valuing diversity is very important in the development as a global citizen because it means first of all being humane.

In my life, there was a time when I used to judge people for their physical appearance, income and even for the difference in musical taste. I had almost no idea about other cultures as I was not interested in them. Only my country, my culture and my narrow interests were existed for me. However, when I started learning the course of culture, I found out that the world is extremely diverse and that we have to be tolerant towards other people if we want them to treat us good. Also, I met many people of different race, ideology and income and learned from them many new useful things while told them some of the mine. When I started valuing diversity I started my development in becoming a global citizen as only in this way I can exchange my experience with other people from other cultures.

I always knew that the world lacked justice and was not able to do anything about it. However one day I realized how social justice actually works. It was my teacher who told me that if we only blame the world for being unjustly, we approve its unjustness. To make a difference we have to start from ourselves. For example, if we see someone behaving unjust we have to explain t

how to behave right. Soon, when I started changing my surrounding I realized that it is very easy as soon as you are the example of justice. So, when people start to change , the results become visible to the whole world. In my opinion, this is the right way to achieve the aim of becoming a global citizen.

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PECULIARITIES OF LEGAL TERMINOLOGY IN DIFFERENT LANGUAGES

In the linguistic, cultural and historical aspects legal terminology is an important lexical subsystem, which is rapidly expanding and updated due to

the high level of legal science development. [6, p. 47]. Nowadays, legal terminology is studied both by lawyers and linguists. For lawyers, interest in the language of law is determined by its functional specificity and the need to improve linguistic forms of normative acts in order to express legislative thought adequately.

For linguists, the jurisprudence language is interesting from the point of view of the metalanguage of the relevant subject field, the lexical composition of which they study from the perspective of terminology. The terminology problems are caused by practical needs "... since terminology is one of the largest layers of the vocabulary of modern languages. The terms are such units of language that help to perform one of the main functions, that is cognitive-informative" [9, p.23].

Legal terminology is a vocabulary layer that serves jurisprudence and is associated with it as a science, a specialty, as a sphere of professional activity. The peculiarity of legal terminology appears in its own word-formation models, in its characteristic structural and lexico-semantic relations, in specific formation and development [11, p.142]. Legal terminology consists of words and phrases that are used in the law and are the names of legal concepts, have precise and definite content and differ in meaning and unambiguousness and functional stability [5, p.16]. Legal terminology also covers the names of objects, actions, phenomena, persons directly related to jurisprudence and its functioning in society.

At the present stage, the following features of the legal term are distinguished.

1. Definition, by means of which it is possible to establish the absolute correspondence between the compact verbal expression of the legal concept and its deployed scientific definition.

2. Uniqueness indicates that the term should mean only one scientific concept, which, in turn, should correspond only one term [7, p.144]. Such a principle is realized with the help of the notion of a terminological field, that is,

the sphere of existence of a term within which it has properties, and is inherent in other terms being in some correlation within the given context. The terminology field replaces the urgent context [8, p.50]. In its terminology field, the term-word acquires accuracy and uniqueness, and outside of it, experiencing determinism may mean other concepts.

Determinologization is a constant and active phenomenon for modern vocabulary. It means that the term loses its distinctive scientific features. Moreover, it implies "the output of the terminology outside the boundaries of a clear system, its establishment in a commonly used vocabulary and the ability to join in its morphological form the syntactic environment of non-terminological context, contributing to the appearance of shades, sometimes even opposite to the terminology "[1, p.91]. There are clear syntactic structures, which include the deterministic term, which thus reflect the constant process of interaction of the terminology and commonly used vocabulary in any language [4, p.202]. At this point the process of creating a new term by transferring an existing term from one term system to another with full or partial reappraisal takes place.

Unambiguity is a desirable, but not obligatory sign of the term [10, p.157]. There are many examples of ambiguity of terms in any field of science, including legal: *judge (judge, arbitrator, expert, appraiser, expert)* or *presumption (assertiveness, assumption, probability, presumption)*; these multi-valued terms are used not only in jurisprudence.

3) Systematic approach: the meaning of the legal term is fixed in the system and supported by its parameters. The general tendency of the words of a language to have systematic nature in word formation is particularly noticeable in terms: the system of concepts, if possible, implies systemacity in the complete structure of the term. The phenomena of one level must find similar notations in the terminological rows [59, p.145]. For example, the suffix *-ment* forms in English a large number of legal terms: *judgment (legal decision, sentence); punishment; endamagement (damage); disbarment (depriving a lawyer).* Concerning the Ukrainian language the most common suffix for the formation of

legal terms are *-анн-* and *-енн-*. For example: *покарання, відшкодування, позбавлення звання, пошкодження, рішення.*

4. Reasoning contributes to remembering the term, facilitates its connection with other terms and makes its position more stable [11, p.146]. A motivated term, as a special word, defines two extra-linguistic entities: the concept that motivates and motivated concept. The term thus created begins its independent life in the terminology field. There are two ways of reasoning the terms: metaphor and metonymy. The basis of the metaphorization of the commonly used word, which becomes the term of jurisprudence, is the similarity between objects, features, places*: the noun 'colonize'(temporarily relocating voters to constituency for the purpose of illegally voting) derives from the verb 'colonize'; 'resort' (nest of thieves) – from 'resort' (a place used for relaxation or recreation, attracting visitors for holidays or vacations)* [2, p.9].

At the heart of metonymy – the real connection between the process, place or subject: *record (record of the case, information about the conviction); Roman law (the Roman legal system); succession (succession process and legacy inheritance).*

5. Linguistic correctness: the accuracy of the term is ensured by the correct use of word-formation means. It is desirable that the terms belonging to certain parts of the language should be formed in the same way, at least within the same terminology field. For instance, *appropriate (to assign) – disappropriate (to deprive of the property); imprison (to put into prison) – disimprison (to release from detention); inherit (to take after) – disinherit (to deprive of inheritance)* [2, p.11].

6. Accuracy: the length of the term should be sufficient to indicate each concept and to distinguish it from a number of similar ones. The short terms are easier to remember and use: the legal term *law* is short and absolutely accurate. At the same time, the verbose terms *the maritime law; international convention law; executively inspired law (the bill introduced on the initiative of*

the executive power) points accurately to the place of the concept they denote, among other concepts of the field [3, p.70].

7. Terminological rooting or specificity of use is a very important feature. During legal advice, the preference is given to a more common term that can be heard in the language of several generations of professionals, thus replacing long-rooted terms with more successful or modern ones can lead to the destruction of the old system and unnecessary learning [11, p.37]. The widely used term *nil debet (lat. lack of debt, i.e. negation of the defendant in a suit)* can be characterized as an element of a fixed sublanguage used only within its boundaries and occurs more often than a modern term with a similar meaning – *rejoinder* [12, p.88].

8. *Language orientation*: in the presence of competitor terms created on the basis of their own or foreign languages, one or the other terms should be favored, taking into account the situation. Excessive and not always justifiable enthusiasm for foreign language borrowings inevitably leads to the separation of terminology and makes it practically inaccessible to non-specialists.

However, for the legal terminology of modern English, this is not fair, since it has been using Latin borrowings for a long time, which does not prevent the effective communication of specialists in this field: *nolo prosequi (application for refusal to continue prosecution); nihil habet (the one who has no property that could be confiscated)* [11, p.148].

Thus, in linguistic literature, there are different opinions about the signs of the legal term. The following are still relevant today: definition; systemic approach; the degree of terminology and the specificity of use, which, along with others, has already been analyzed.

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PREJUDICE AND DISCRIMINATION AS BARRIERS TO SOCIAL INCLUSION

To begin with, discrimination is not a modern problem. All human societies throughout world's history suffered from different forms of discrimination. For example, colonizers occupied someone's land and people who had been living there were discriminated, enslaved and abused. That had been a norm for a long period of time until people rethought and reframed their life philosophies.

So what is discrimination? It is the unfair treatment of people and groups based on characteristics such as race, gender, age or sexual orientation. Discrimination is everywhere. We still judge other people because of their social status, ethnicity, gender, and way of behavior or their specific worldview.

The most popular ground of discrimination is stereotype - a fixed, over generalized belief about a particular group, class of people, event, etc. Stereotypes are a big part of society because people use them to classify and identify one another. We will never escape it, but we still can find the truth in that huge amount of information. I decided to highlight several forms of discrimination: racial, gender and sexual.

The first type of discrimination I would like to draw your attention to is racial discrimination. It occurs when a person is treated or not given the same opportunities because of their race, the country where they were born or their skin color. Some centuries earlier, in USA, people with dark skin were slaves. So, they were compared to tools, which could be bought or sold. Those people had to work hard all day to have some food and water. They could be killed and no one cared. The *Racial Discrimination Act 1975* (RDA) made it unlawful to discriminate against a person because of his or her race, color, descent, national origin or ethnic origin, or immigrant status.

The second issue that is worth mentioning is gender discrimination. It occurs a when someone is treated badly because of their sex, usually women suffer from this. I think this problem has the biggest amount of stereotypes. For example, there are two candidates who want to apply for a job. They have identical professional skills and education. But the employer mostly prefers men in such spheres as jurisprudence, political activity, military sphere. At the same time employers more often search women, than men when we talk about beauty sphere, education of children.

So, there are several widely spread stereotypes. The first one - imagine a situation when parents decided to divorce. But who children should stay with? Most people will say 'with mother'. But why? According to the legislation, women and men in most countries all over the world have the same rights. The main reason, which was mentioned, sounds like 'Well, there's a connection between mother and child. And mom loves her children more than dad'. Both parents have equal rights connected to children. The second is connected to childhood. Toys for children are divided into two strict groups: 'dolls' for girls and 'cars' for boys. Actually lots of people are prejudiced against boys playing with Barbie dolls and vice versa a girl playing with cars.

Another stereotype idea sounds like 'Men never cry'. Even in childhood boys are often ashamed of crying. Hence some people think it is a sign of weakness but it's just a way of expressing emotions. This stereotype is connected to the Middle Ages, when countries needed a powerful army, when a human was a not an individual but a tool and insignificant cog in the gigantic machine controlled by capital.

In 2017 government of Ukraine published a list of jobs which were forbidden for women canceling later. But still no one will allow women to work as a boatswain, bulldozer driver etc.

The last but not least is discrimination because of sexual orientation. People connected to this group have difficulties to survive in modern world. Why do people hate gays? Maybe, it's a big surprise for you, but a lot of species

of animals practice not only 'natural' relationships. Nowadays, lots of countries legalized single-gendered marriages. But how these people live in SNM countries? Last year 3 members of LGBT community were cruelly killed in Russia. Those people did nothing amoral on the streets, they were just holding their hands. Even some politics in Russia officially call for extermination. Imagine the situation, you have a child. Just a normal child, who loves you, who has friends but one day, he or she comes out. Does it make him or her a disgusting monster in one? A lot of parents are ashamed of their children. But they worry not about their child's future, but what people will say about them what I find is wrong and it should be changed.

To sum up, I would like to say we should look around – a contemporary world is not quite a comfortable place to live in and, in my view, it should be altered. The bottom line is *to live and let live*, no matter what colour, gender or life philosophy we follow. We don't have to love everybody, but respect begets respect, violent begets more violence and destruction. Not all changes can bring a good result, but I'm sure we should give it a try. We have to bear in mind about Declaration of Human Rights and I do hope the world will change into a better place to live.

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THE PECULIARITIES OF THE EMOTIONAL-VOLITIONAL SPHERE OF THE CONFORMAL PERSONS

The aim of the paper is to investigate the main peculiarities of the emotional-volitional sphere of the conformal persons and to analyze their conformal behaviour.

The problem of the impossibility to withstand social pressure and the ability to defend one's own views is a topical issue today. An individual adapts to the new socio-cultural conditions of the community with the help of a conformal model of behaviour. Conformal behaviour is characterized by the acceptance of the proposed from the outside rules of thinking, behaviour, by the orientation of the individual to the inclusion into the vital activities of the social communities even to the detriment of their own interests. Therefore, it is important to understand the notion of conformity, and how it is associated with the emotional and volitional peculiarities.

Conformity (from *lat.* conformis – similar) is a change in behaviour or belief as a result of the real or imaginary pressure of the group. Conformity plays a positive and a negative role in our lives. The positive significance of

conformity is in the fact that it acts as a mechanism of the unity of the human group and the transmission of the social heritage, culture, tradition, social purposes, and social patterns of behaviour. The negative significance of conformity is in the fact that the individual turns into a time-server that does not seek self-realization, such a person is able to fulfill any order [2, p. 154].

The manifestation of conformity is a marked absence in a person of their own views, beliefs, weakness of character, adaptation; agreement of a personality with the views, norms, valuable orientations of the majority of the people around them [5, p. 25].

In order to understand what exactly emotional-volitional peculiarities determine conformity, it is necessary to define them. The first feature is the emotional-volitional regulation of activity, which is understood as a wide range of the processes of coordinating activities with the conditions of their implementation, on the one hand, and the inner state of a human, his needs, motives, on the other hand [4, c. 436]. The following components are emotions and feelings that fulfill the signal and regulatory functions, and also motivate people to knowledge, work, and actions, or restrain them. The most important factor is the will, as the last stage of a person's mastering his own processes, namely, mastering his own motivational process. One of the main volitional qualities of an individual is the purposefulness, which is determined by the principles and beliefs of the person that they use in their everyday lives, are guided by them, and is manifested in their deep awareness of their tasks and the need of their performance [1, p. 144].

Having identified the main points, one can name two main reasons for the manifestation of conformity: the desire to please others and the desire to be approved [2, p. 154].

Conformal behaviour of the individual depends, as previously mentioned, on the volitional qualities of the personality. An important feature of the person's will is self-control that is an important component of the personality traits, which we call courage. The lack of self-control makes the person inconti-

nent, and impulsive. People, who do not control themselves, are easily exposed to the influence of feelings; often violate discipline, belt to difficulties, and despair [3, p. 102]. Weak-willed (spineless) people do not have their own thoughts, easily fall under the influence of others, are easily subjected to suggestions and self-hypnosis, the result of which is the uncertainty in their actions. One of the most important volitional qualities of the individual is single-mindedness. Single-mindedness manifests itself in the ability of the person to be guided in his actions not by the accidental aspirations, but by the firm beliefs and principles. People without clear single-mindedness, firm beliefs, and principles are often under the influence of random desires, and fall under the influence of others. The significant qualities of the person's will are also determination, self-control, persistence, and initiative. These qualities of the person help him to complete every initiated affair, overcoming all the obstacles encountered on the way to its implementation [5, p. 31].

The researches of the psychologists have shown that the conformal individuals are characterized by the inflexibility of the mental processes, the poverty of the ideas, by the reduced ability to control themselves, by the superficial perception of themselves, and the lack of faith in themselves, they exhibit greater passivity, suggestiveness and dependence on others. Consequently, the weak will of the person is the manifestation of conformity [2, p. 157].

Without the strong conviction and principal orientation of behaviour of the person there cannot be the strong will. Consequently, the environment easily exerts pressure on such a person [2, p. 155]. The inability of the person to resist such pressure can lead to a high level of the personal anxiety and sensitivity; to the low levels of health and mood; to the emotional and volitional weakness and inability of self-control; to the inadequate self-perception and world-outlook in general; to the inconsistency between their psychological needs and their own psycho-physiological capabilities necessary for their implementation; to the uncontrollability of feelings. Subsequently, such a person can resort to a conformal style of behaviour, as a type of social adaptation.

Emotional-volitional state of the person depends on such methods of self-regulation, which include self-education, self-knowledge, self-esteem, self-alignment, self-management, self-directing, self-control and others [4, p. 424].

Thus, it can be argued that the conformal individuals are different from the nonconformal ones by the characteristics of their emotional sphere, namely, they exhibit greater emotional stability, are less expressive, and more prone to the affective responsiveness, are more frustrated, irritable, strained, prone to maximalism, they are inherent in the anxious-depressive and negative emotional states, and are less satisfied with the course and results of their own lives. Concerning the volitional features of the conformal individuals, one can say that they are less capable of self-control, free decision-making, planning the future, implementing the plans into life, are more inclined to choose life comfort and social usefulness, traditions and security as the normative ideals and personally significant values, and are also less inclined to choose general and creative activity, autonomy, stimulation and power. The conformal individuals are characterized by the idea to consider themselves to be weak persons who do not have sufficient freedom of choice to build their lives in accordance with their goals and ideas about its sense. They have a lower level of satisfaction of the part of their life that they have already lived and are convinced that people can not control their lives and freely make decisions. The less conformal individuals are characterized by a high level of single-mindedness; they perceive the process of their lives as interesting, emotionally rich and full of meaning.

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BULLING: THE PROBLEM OF SCHOOL OR SOCIETY?

Formulation of the problem. The main important systems involved in the development of the child are the family and the pedagogical environment. The unhealthy atmosphere of some schools makes it possible to "flourish" the bulling (from the English - hooligan, slaughter, intimidating, harassing, tormenting), which negatively affects the children' ability to study, their psychological and psychological state. School is the main platform on which the "practice of growing up" takes place. At the same time, the school is a powerful mirror of a society, with the effect of a solar cell. Look at the realities and problems of the school and identify the same – only of the society. However, the wave of violence that rolled into schools isn't still solid, but has certain local surges, which are likely to be largely linked to the human factor and the general atmosphere of an educational institution.

The analysis of researches and publications. There is a group of studies devoted to the school's psychological climate (S. Ugurlu, M. Mudurlugu, I. Mufettisligi, A. V. Petrovsky, V. V. Shpalinsky), in which school culture is considered as an important factor of ensuring productive psychological climate and

organizational development of the school. The research used methods of semi-structured interview and a content-analysis of documents. The results of the research have shown that even the attitude of the head of an educational institution to teachers is a major factor determining the socio-psychological climate of the educational institution, regardless of the socio-economic level of the school.They also showed that the level of school culture has a significant impact on the teachers' imagination about the possibilities and ways of development of an educational institution. The results of this study again show that the educational system has problems with the special training of managers of the education system, first of all, the school principals. As a central part of their training the ability to make decisions in an uncertain situation that is constantly changing distinguished.

In another work of the researchers N. Meyer-Adams and Bradley T. Conner is conducted a detailed analysis of the relationship between psycho-social environment of a school and the prevalence and types of bulling that either form the relevant environment, or are the result of such an environment. The results of the study confirm the idea that both harassment and victimization negatively affect students' perception of the psycho-social environment at school. This, in turn, provokes an aggressive behavior in response (children can bring weapons to school), or prompts students to skip classes, rarely appear at school. Such behavior negatively affects students' achievement and their psychological state [1].

David Lane and Andrew Miller define bullying as a long process of conscious stiffness, physical and (or) mental by one child or group to another child or children. This is because of the inequality of physical forces rather than an imbalance of power [2].

The urgency of the problem. Bulling can be a manifestation of various types of aggression, but more often it appears in an indirect form than in the direct. Most likely, it is precisely because of this that the bulling has so long escaped from the field of view of the researchers of aggression. After all, direct

aggression is visible to all, it is socially frivolous. The results of indirect aggression are not always possible to prove to the victim - aggressors can deny it (say that nothing happens, that the offender himself provoked events, etc.), give something else (accident, mistake of the victim, etc.), hide his involvement in aggression. Bulling is aimed at the most personal, vulnerable places of the victim, and therefore the severity of the strike is difficult to explain to the outside. Bulling is especially characteristic of teens and is always directed against the same children. The appearance of harassment in middle and upper adolescent groups can be explained by the predominance of children of this age orientation on the behavior and opinion of peers and the decline in the authority of adults - families and educators.

The most widespread (about 40%) of the children have verbal abuse. They are the safest to the victim and remain unpunished for the aggressor. In the second place (20% each) there are physical abuse and moral oppression. Last place (about 15%) take prohibition and ignorance (ostracism).

The most effective anti-bulling program was initiated by Norwegian psychologist Dan Olivier in Norway in Bergen about 20 years ago. It is based on four basic principles for creating school and home environments that are characterized by:

- warmth, positive curiosity and self-control of adults;
- solid limits and limitations of inadmissible conduct;
- consistent use of non-charter, non-physical sanctions for inadmissible conduct and violation of rules;
- the presence of adults acting as authorities and role models.

The program functions both on school, on the classroom, and on individual levels. Its main goal is to change the "structure of opportunities and rewards" of bulling behavior.

In his book "Bullying in a school: what do we know and what can we do?" the Norwegian psychologist Dan Olweus identifies the typical features of students who are inclined to become the initiators of bulling :

• they feel a strong need to command and subjugate other students, achieving their goals;

• they are impulsive and easily pass into anger;

• they strive at any price to be at the center of attention;

• they often behave aggressively and challenging to adults, including parents and teachers;

• they are self-centered, who cannot sympathize with others, put themselves in the place of others;

• they are accustomed to treating others with a sense of superiority, dividing them all into "their" and "strangers" (such snobbery respectively declares their family system of education);

• they are maximalists who do not want to compromise (this is especially evident in adolescence);

• if they are boys, they are usually physically stronger than other boys [3].

Mostly, the bullets try to act at a time when they are not visible to the board or are immersed in their records, thereby provoking a victim to responses that may already be visible to the teacher. As a result, for a teacher, the situation is a violation of the discipline on the part of the child being harassed, and the latter may suffer secondary suffering through punishment also from the teacher. This is a double prize for the aggressor. The victims of bulling often themselves are not inclined to tell a headmaster or parents about harassment as a result of intimidation by aggressors and the dissemination of their negative attitudes about the shame of being a "lobe".

Consequently, the typical victims of harassment have the following features:

• they are frightened, sensitive, closed and shy;

• they are often disturbed, uncertain, unhappy and have low self-esteem;

• they are prone to depression and think more about suicide than their peers;

• they often do not have any close friends and communicate more successfully with adults than with their peers;

• if they are boys, they may be physically weaker than their peers.

But the main figure in anti-bullying school curricula in the adult system is, of course, parents. Unfortunately, the problem of perceiving the persecution by parents of children involved with it is not sufficiently studied. In the article by J.L. Sawyer, F. Mishna, D. Pepler, J. Wiener, it is indicated that based on in-depth interviews of parents whose children were identified by the School Security Questionnaire as victims of harassment by peers, the following topics were analyzed:

1. How do parents understand what bulling is and how do they recognize the behavior?

2. What are the parents' reactions to the fact that their child identifies himself as a person to be mocked over?

3. How much parents are aware that their child was witnessing a bulling incident?

4. How do parents describe the impact of victimization on their child?

5. Gender differences.

6. How do parents suggest responding to a bulling?

7. Difficulties in detecting bullying [4].

On Tuesday, December 18, 2018 the Verkhovna Rada voted for a bill aimed at countering bulling. What could change this law, explained the BBC News Ukraine.

"In the past, there wasn't even a notion as bulling, and here we were the first to give legislative tools for solving the issue of harassment," said Alexander Spivakovsky, one of the authors of the law, in a comment on BBC News Ukraine. Encouraging deputies to vote in favor of this law, he stated that almost every family in Ukraine could come across bulling. The bill says that bulling (harassment) is the acts of "participants in the educational process, which consist in psychological, physical, economic, sexual violence, including the use of electron-

ic communications, that are committed in relation to a minor, or a person with respect to other participants in the educational process, that could have been or was resulted in damage to mental or physical health". The deputies supplemented the Code on Administrative Offenses with a new article, which establishes responsibility for bulling, as well as its concealment by employees of educational institutions.

The penalties for bulling will be from 50 to 100 tax-free minimums, that is, from 850 to 1700 hryvnias, or from 20 to 40 hours of public works. If harassment occurs repeatedly or by a group of individuals, the fine will be higher - from 100 to 200 minimums (1700 - 3400 hryvnia).

The law prescribed the following signs of bulling (harassment):

- systematic (repeatability) of the act;
- presence of the parties - the offender (buller), the victim (bullion victim), observers (if any);
- actions or inactivity of the offender, the result of which is the infliction of mental and / or physical harm, humiliation, fear, anxiety, subjection to the victim's interests and / or the victim's social isolation [5].

Summary. Consequently, in reported cases of bulling will be penalized parents of children who do this and teachers if they have not reported such cases to the police. The decision on fines is to be taken by the court. In response to the boom, the heads of educational institutions will be responsible. They must approve and publicize a plan of measures to combat this phenomenon and consider applications from students and their parents about cases of booting. Also, the Ministry of Education and Science has to develop a plan of measures for countering bulling.

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GAMES FOR FOREIGN LANGUAGE LEARNING

We made an attempt to determine the role of educational games on learning a foreign language, and to compare games with more traditional practices as effective learning tools for students of higher educational institutions with special study conditions.

Language learning is a hard work. Effort is required at every moment and must be maintained over a long period of time. As we need meaningfulness in language learning, and authentic use of the language it is useful to follow and create many different techniques and procedures. That through creative procedure we can have an interactive environment which may lead to an improvement in learning a foreign language.

Games and especially educational games are one of the techniques and procedures that the teacher may use in teaching a foreign language. Games are

often used as short warm-up activities or when there is some time left at the end of a lesson. A game should not be regarded as a marginal activity filling in odd moments when the teacher and group have nothing better to do. In our opinion, games ought to be at the heart of teaching foreign languages, games should be used at all the stages of the lesson, provided that they are suitable and carefully chosen. Games also lend themselves well to revision exercises helping learners recall material in a pleasant, entertaining way.

There is a widespread agreement that even if games resulted only in noise and entertained students, they are still worth paying attention to and implementing in the classroom, since they motivate learners, promote communicative competence and generate fluency and may have a significant role in improving a foreign language acquisition [1, p. 3-4].

There are a number of reasons that games deserve a place in the language classroom. First of all, they are fun, which is extremely important, because they can help activate students who may have been inactive before, due to lack of interest. Keeping students active is vital because teachers will never be able to actually teach students anything unless they can get them to participate in their own learning process.

Second, games also play a big part in helping participants build relationships, and to feel equal. Playing games in the classroom can also help create a friendly and positive atmosphere where seat arrangement can differ from game to game, and thus cause diversity from the norm which can be extremely helpful in keeping an exciting learning environment.

Third, the reason most people want to learn a language is to be able to use it in real situations, for example when travelling. Games can be a very good way to practice this skill because they can easily be used to reenact various situations from real life and provide students with practice in their fluency. Also, by using games in the classroom the teacher is giving his students a bigger role, and he himself is stepping out of the frontline which is a positive thing because it allows students to take on more responsibility. Also that allows stu-

dents to do more on their own, and that can very well result in an increase in their confidence level.

Fourth, language students need to be emotionally involved, meaning they need to feel something while they are exposed to the language. Strong emotions, such as happiness, excitement, amusement and suspense allow students to feel positively about their learning situation and are therefore likely to have a positive effect on language learning.

Fifth, games are good for shy students and students with low confidence, and that applies specifically when playing takes place in smaller groups because then they get a chance to speak in front of fewer audience instead of having to express themselves in front of the whole class. Also it is sometimes easier to open up and forget the shyness when playing a game because the atmosphere is not as serious and more emphasis is put on fluency rather than grammatical correctness [2, p. 8].

The language games can be divided according to different principles. These games are as follows:

• Sorting, ordering, or arranging games. For example, students have a set of cards with different products on them, and they sort the cards into products found at a grocery store and products found at a department store.

• Information gap games. In such games, one or more people have information that other people need to complete a task. For instance, one person might have a drawing and their partner needs to create a similar drawing by listening to the information given by the person with the drawing

• Guessing games. These are a variation on information gap games. One of the best known examples of a guessing game is 20 questions, in which one person thinks of a famous person, place, or thing. The other participants can ask 20 yes/no questions to find clues in order to guess who or what the person is thinking of.

• Search games. These games are yet another variant on two-way information gap games, with everyone giving and seeking information. Find

Someone Who is a well-known example. Students are given a grid. The task is to fill in all the cells in the grid with the name of a classmate who fits that cell, e.g. someone who is a vegetarian. Students circulate, asking and answering questions to complete their own grid and help classmates complete theirs.

• Matching games. As the name implies, participants need to find a match for a word, picture, or card. For example, students place 30 word cards, composed of 15 pairs, face down in random order. Each person turns over two cards at a time, with the goal of turning over a matching pair, by using their memory.

• Labelling games. These are a form of matching, in that participants match labels and pictures.

• Exchanging games. In these games, students barter cards, other objects, or ideas.

• Board games. Scrabble is one of the most popular board games that specifically highlights language.

• Role play games/dramas. Role play can involve students playing roles that they do not play in real life, such as dentist, while simulations can involve students performing roles that they already play in real life or might be likely to play, such as customer at a restaurant. Dramas are normally scripted performances, whereas in role plays and simulations, students come up with their own words, although preparation is often useful [3, p.1157-1158].

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PROTECTION OF INTELLECTUAL PROPERTY IN UKRAINE

It should be noted that the process of reforming the judicial system of Ukraine begins a new stage in the development of intellectual property protection in Ukraine. Thus, the court system includes the court, which jurisdiction is the consideration (the judicial trial, якщо це розгляд справи суддею) of cases on the protection of intellectual property in Ukraine. Such allocation of the intellectual property disputes will contribute to the formation of a separate branch of law and the establishment of unified mechanisms of the protection of intellectual property rights.

Our state is developing in the days of active, dynamic intellectual activity. And this determines the strategy and tactics of its socio-economic development as a European state. The level of our compatriots' creative activity, its measure will determine not only standard of well-being of the Ukrainian people, but, primarily, our political and economic independence, our sovereignty and territorial integrity, the security and weight of Ukraine on the international level and other parameters of prestige and prosperity of the Ukrainian nation.

The reforming and economic upturn of the domestic production should be based on a deeply circumspect, creative economic policy in the realm of use of the domestic economy's intellectual potential, the focus on creating the nec-

essary conditions for the stable growth and development of intellectual property as the highest and most progressive form of economic relations in market conditions [1].

The protection of intellectual property rights is considered as a combination of measures applied by the authorized person on his own or by way of appeal to the competent authorities, these measures are aimed at preventing or stopping violations, disputes, non-recognition or intrusion on intellectual property rights or interests protected by the law in this realm.This conclusion can be made on the basis of an analysis of the work of indigenous authors from various fields of law related to the field of intellectual property, as well as from the experience of practitioners. In particular, works of Y. Atamanova, O. Doroshenko, O.Kokhanovskaya, I.Koval, N.Kuznetsova, R.Shishki and many other representatives of scientific circles may serve as the affirmation [2].

According to N. Mironenko, the protection of the rights and legitimate interests of the subject, intellectual property right is realized through the protection mechanism, which makes up the system of forms, methods and means of activity of the relevant jurisdictional bodies and interested persons. Elements of this protective mechanism are rules of law, subjects of intellectual property rights, jurisdictional authorities [3].

The experience in resolving conflicts that arise in protecting intellectual property rights allows to assert that the main factor in the development of effective mechanisms for the protection of intellectual property rights is the maintenance of the balance of private and public interests. Particular attention is to be deserved to the study of the experience of industrialized countries, which always pay considerable attention to improving their own law enforcement practice in the field of intellectual property.

The peculiarities of law enforcement practices in European countries, as well as national ones, allow to highlight some problematic issues of intellectual property rights protection, which are emphasized, in particular, by Yu. Kapitsa [4], M. Pototsky [5], O. Shtefan [6] and others.

Thus, the protection of intellectual property rights in Ukraine is only beginning to develop and must form an effective system for the protection of such rights through state bodies, courts and other institutions. With an effective legal mechanism for protecting intellectual property rights, our state will be able to create a favorable environment for the development of intellectual property right, which is the driving force in all branches of social relations.

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IDENTITY THEFT

Identity theft, also known as identity fraud, is a crime which an imposter obtains key pieces of personally identifiable information, such as Social Security or driver's license numbers, in order to impersonate someone else. Identity (ID) theft happens when someone steals your personal information to commit fraud.

The identity thief may use your information to fraudulently apply for credit, file taxes, or get medical services. These acts can damage your credit status, and cost you time and money to restore your good name.

You may not know that you're the victim of ID theft immediately. You could be a victim if you receive:

- Bills for items you didn't buy
- Debt collection calls for accounts you didn't open
- Denials for loan applications

Children and seniors are both vulnerable to ID theft. Child ID theft may go undetected for many years. Victims may not know until they're adults, applying for their own loans. Seniors are vulnerable because they share their personal information often with doctors and caregivers. The number of people and offices that access their information put them at risk [2].

Once someone else gets hold of your personal information, they are actually able to do a large amount of different things with the information. The

most common types of crime are ones which are considered to be financial fraud, such as credit card fraud, bank fraud, tax rebate fraud, benefit fraud and telecommunications fraud.

Identity thieves can also use your identity when they commit other crimes, such as entering (or exiting) a country illegally, trafficking drugs, smuggling other substances, committing cyber crimes, laundering money and much more. In fact, they can use your identity to commit almost any crime imaginable in your name.

There are many different examples of identity theft, such as:

- Tax-related identity theft, where a thief files a false tax return with the Internal Revenue Service (IRS) using a stolen Social Security number.
- Medical identity theft, where a thief steals information, including health insurance member numbers, to receive medical services. The victim's health insurance provider may get the fraudulent bills, which will be reflected in the victim's account as services they received.
- Child identity theft, where a child's Social Security number is misused to apply for government benefits, open bank accounts and other services. Children's information is often sought after by criminals, as the damage may go unnoticed for a long time.
- Senior identity theft, where a senior is the target of an identity thief. Seniors are often in contact with medical professionals and insurance providers, and may be used to giving out their personal information. They may also not be as aware of the scamming methods thieves use to steal their information [1].

Take steps to avoid being a victim of identity theft. Secure your internet connections, use security features, and review bills.

Although none of the victim’s personal possessions may have been taken, there can actually be a number of large and serious consequences for victims. If a criminal has used another person’s identity to commit a crime, this can put the victim under police suspicion. The victim may find themselves being

investigated as part of a criminal investigation, and in some cases they may find it difficult to prove their innocence.

People who are the victims of financial fraud can also have a lot of issues come their way. If a person uses your details in any form of monetary transaction, you could end up being saddled with debts. In most cases, if you can prove that the debts are not your responsibility, then you will not be liable for them, however it can also be very difficult to prove that you are not at fault. Even if you manage to absolve yourself of responsibility for the debts, removing incorrect information from your credit score can be even harder [2].

While identity theft is still a serious crime, victims are rarely harmed physically, unless the theft has come as a result of a mugging or similar physical robbery. If you were the victim of a violent crime it is possible that you could have been left psychologically or physically affected (or both) as a result. If this is the case then a victim might have some comfort in the knowledge that they could potentially make a criminal injury claim for compensation [3].

Methods of identity theft evolve rapidly as new mediums (such as social media) develop quickly, so it is almost impossible to completely prevent identity theft, however it is possible to reduce the likelihood of being a target by taking certain precautions. Take care to protect your data by being aware of your privacy settings on social media. Be aware of suspicious emails which may be phishing for data. Completely destroy all documents containing your personal data, rather than just discarding them with the rest of your rubbish.

Depending on the type of information stolen, the victim should contact the appropriate organization - the bank, credit card company, health insurance provider and inform them of the situation. The victim should request to have their account frozen or closed to prevent further charges, claims or actions taken by imposters [1].

To prevent identity theft, experts recommend that individuals regularly check credit reports with major credit bureaus, pay attention to billing cycles and follow up with creditors if bills do not arrive on time.

Additionally, people should destroy unsolicited credit applications, watch out for unauthorized transactions on account statements, avoid carrying documents with personal data around and not give out any personal information in response to unsolicited email.

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LEGAL ASPECTS OF INNOVATION ACTIVITY

Given the national significance of innovation, there is a need for state regulation of the innovation process. At this time, innovations are becoming the main means of ensuring an increase in profits by business entities. But, despite the important role of innovation, without government regulation, a large number of innovations could not be quickly put into practice. Technological advancement and innovation have been two of the most crucial trends driving change in the legal sector recently – they are key for law firms intent on growing, staying relevant and remaining competitive in an evolving industry. The

legal landscape and its practice are undergoing a transformation because of technology's infiltration into all aspects of legal services. From courtroom operations and document management to delivery of legal services, advances in technology provide law firms opportunities to grow and expand. These advancements are causing firms to re-evaluate their practices and maximize benefit to the consumer and efficiency for practitioners. Patent law and technology entrepreneurship are interrelated and any tech venture has to be aware of how the technological legal landscape is changing. Beyond doubt, both customers and practitioners can benefit from the technological advances if they are applied efficiently [1].

Legal services are benefiting from derivatives of technology like automation and can now be characteristically streamlined. Automatic technology, including JPMorgan's new learning machine, is already accomplishing what it takes practitioners thousands of hours to achieve in a matter of seconds. JPMorgan's learning machine gains additional insights from artificial intelligence. Aside from automating repetitive tasks, it takes things a step further to derive answers to contextual questions. That is why lawyers now get more time to focus on more productive aspects of legal work and a whole lot of firms are already subscribing to technology of this sort.

As technology continues to sink its root deeper into law practice, it continues to redefine that practice. Legal services are more flexible and readily attainable than they were a few decades ago, a variety of service providers are now available on demand. Advancements in technology have also led to the development of grey and murky areas in the practice of law. For example, in the area of biotechnology, more specifically in genetic engineering with an emphasis on DNA manipulation, the question of whether products derived from traditional natural processes can be patented has arisen. Even then, there's also the fact that in the field of biotech, the discovery process is more fluid than it is about one moment of idea formation, with different entities often contributing at different points of the discovery cycle. For this reason, legal issues concern-

ing the final patentable right are to be settled. Accordingly, the laws of today have evolved to accommodate these problems [3].

The rapidly evolving field of computer programming, unlike biotechnology, requires the use of the copyrighted pattern in issues concerning computer programmes. It provided patent like coverage over ideas and expressions that fell short of patent applicable quality. These complexities, which have been the subject of many litigations and patent cases, has led to the formulation of a framework where applicable segments of patent law coexist with copyright protection in the international law community [3].

Thus, the economic and social role of the state requires from government agencies in regulating innovation processes to perform several basic functions, namely accumulation of funds for research innovation by concentrating resources and mechanisms for redistributing the budget, as well as by forming special funds; and coordination of innovation by defining common strategic guidelines for innovation policy.

To ensure such coordination, the state promotes cooperation and interaction of different institutions in the implementation of innovation:

- creation of the legal base of innovation policy by forming effective necessary legislation and actually operating mechanisms for its functioning;

- training specialists in highly ranked educational institutions who could organise and promote the development of organisational structures that are engaged in the implementation of innovations (corporations, groups, firms);

- regional regulation of innovation activity through tax breaks and rational allocation of innovation potential, as well as attempts to equalize the conditions for the spread of innovation in the country;

- regulation of international cooperation in the conduct of innovation through the developed innovation strategy and cooperation;

- stimulation of innovation by encouraging competition, providing benefits to participants in the innovation process, state insurance of innovation risk,

and also “innovation pressure” on business entities by imposing sanctions for the production of obsolete products [2].

Innovation policy of the state is closely related to its investment policy aimed at stimulating investment in innovation processes, that is, in the business sector in which investment is the basis for the materialization of innovations, as well as the innovation policy of the state is almost not separated from industrial policy in general.

All aspects of law and specifically intellectual property practice are currently being redefined thanks to advances and innovation in technology. Technology brings unique problems that raise complex questions. Resolution of these dilemmas is crucial for the future direction of the economy, especially considering the innovative tech-dependent society the world is moving toward.

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FORGERY IS A CRIME IN THE UNITED STATES LAW

Forgery is a criminal act that takes place when a person falsifies something with the intent to deceive another person or entity. There are many kinds of forgery, but all are considered crimes in the United States. Forgery has a long history, but it became more common in the 20th century as technology has made it easier for criminals to commit the act. Some cases throughout history have been so remarkable that the forged pieces are in display in popular museums around the world. To explore this concept, consider the following forgery definition.

Definition of Forgery:

1. A crime that involves making to altering a writing with the attempt to defraud another person or entity

2. The production of fake art or others works that a person claims are genuine fabricating.

3. The act of devising, fabricating, or counterfeiting a document or other object.

In order for the judicial system to charge a person with forgery, certain elements or factor must be in place. If one or more of the elements is missing, it can result in different charges.

In forgery cases, the individual must have made, altered, used, or possessed a false writing at some point in time. This is not just limited to

writing letters or documents as altering existing documents is also forgery if it is done in an attempt to gain or deceive another person. This includes changing or adding the signature on a document, but also includes deleting it. Using or possessing the false writing is also considered forgery, though some states consider it "uttering a false writing."

Not every altered document or letter falls within the bounds of forgery. In order an altered document to be subject to forgery laws, the false writing must has legal significance. This includes, but is not limited to:

- Government issued identification
- Deeds
- Conveyances
- Checks
- Stock certificates
- Patents
- Wills
- Prescriptions
- Other medical documents

In order for the writing to fall under the definition of false, the material included must have been fabricated or altered significantly in order to represent something it is actually not. For example, if a person changes the will of another person to benefit himself, it is considered forgery. If a person inserts a false statement into a letter, but it does not change the meaning of the letter, it does not fall under the category of forgery.

There is a wide range of documents that can be forged, but some are more common than others. Some of the most types of forgery involve signatures and prescriptions.

In order for the writing to fall under the definition of false, the material included must have been fabricated or altered significantly in order to represent something it is actually not. For example, if a person changes the will of another person to benefit himself, it is considered forgery. If a person inserts

a false statement into a letter, but it does not change the meaning of the letter, it does not fall under the category of forgery.

Simply falsifying a letter or document does not constitute forgery unless the person does so in attempt to defraud a person or entity. Under this element, simply possessing a forged document does not constitute a forgery if the person with possession does not know that the document it false. For example, if you were to receive a check for a car you sold and the check was forged, you would not be held criminally liable unless you knew that the check had been falsified. If you knew that the check was forged, this constitutes fraud in many states.

There is a wide range of documents that can be forged, but some are more common than others. Some of the most types of forgery involve signatures and prescriptions.

Signature Forgery is the act of replicating another person's signature. In signature forgery cases, criminals use many methods, including tracing. When examining a document that is suspected of being falsified, there are experts that can examine the signature to determine if it is indeed forged. Some common signs of forged signatures include:

- Shaky handwriting
- Signs of retouching
- Size of signature
- Pens lifts [1].

Forgery is a crime in all jurisdictions within the United States, both state and federal. Most states, including California, describe forgery as occurring when a person alters a written document "with the intent to defraud, knowing that he or she has no authority to do so" [2]. The written document usually has to be an instrument of legal significance. Punishments for forgery vary widely. In California, forgery for an amount under $950[3]. can result in misdemeanor charges and no jail time, while a forgery involving a loss of over $500,000 can result in three years in prison for the forgery plus a five-year "conduct enhancement" for the amount of the loss, yielding eight years in prison.

In Connecticut, forgery in the Third Degree, which is a class B misdemeanor is punishable by up to 6 months in jail, a $1000 fine, and probation; forgery in the First Degree, which is a class C felony, is punishable by a maximum 10 years in prison, a fine of up to $10,000 fine, or both. [4].

In New York, for example, a forgery is classified as “first degree forgery” when the forged instrument is currency, securities, stocks, or bonds. Second degree forgery involves deeds, government-issued documents, public records, or medical prescriptions. Third degree forgery involves any other types of documents. Both first and second degree forgeries are felonies, while third degree forgery is a misdemeanor [5].

Our society relies heavily on the ability to produce and exchange legitimate and trustworthy documents. Forged documents can have serious and far-reaching negative consequences on businesses, individuals, and political entities. This is why forgery is punished harshly.

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SEPARATE COMMUNICATION PROBLEMS WHEN SUMMONING PARTICIPANTS IN PRE-TRIAL INVESTIGATION

Investigation by an investigator, prosecutor, a court challenge and an appeal in accordance with Clause 1, Clause 1, Art. 131 CPC of Ukraine is a measure of ensuring criminal proceedings and is used to achieve the effectiveness of this proceeding.

Among the issues of the organization and functioning of the pre-trial investigation bodies in Ukraine, an important role should be given to solving the issues of the call of participants in criminal proceedings, since the proper performance by its subjects of its responsibilities is inextricably linked to the possibility of both parties to freely exercise their procedural rights and fulfill the duties assigned to them.

Repeatedly, in practice, the process of making a call has to face the problem of compliance with the relevant legal procedure. We will deal specifically with the range of problems relating to the status of a participant, the challenge of which must be addressed.

Thus, according to Article 133 of the CPC of Ukraine, an investigator, the prosecutor during the pre-trial investigation has the right to call:

- the suspect
- witness
- the victim

- another party to the criminal proceedings in cases established by this Code for interrogation or participation in other procedural actions.

Thus, the norm of this article clearly regulates the range of participants that may be caused during the pre-trial investigation, and where it seems that this spectrum and extended (another participant in criminal proceedings), the legislator nevertheless clarifies that the call can be applied precisely to a party criminal proceedings.

It is here that one should turn to Item 25 of Part 1 of Art. 3 CPC of Ukraine, which clearly defines a range of participants in criminal proceedings, are the parties to the criminal proceedings, the victim, his representative and legal representative, the civil plaintiff, his representative and legal representative, the civil defendant and his representative, the representative of the legal entity against which the proceedings are being conducted, the third the person concerning the property of which the issue of arrest is being resolved, another person, the rights or legitimate interests of which are limited during the pre-trial investigation, the person in respect of which the issue of extradition is considered foreign state (extradition), applicant, witness and his lawyer, concepts, mortgagor, translator, expert, specialist, representative of the staff of the probation body, secretary of the court, court administrator.

The list of participants in the criminal proceedings is over, that is, it is exhaustive, and it is not expedient to expand it at will, whether it be an official necessity, in the body of pre-trial investigation or in any other official of the state power body there is no right, because children will already start the rules of law . 19 of the Constitution of Ukraine - bodies of state power and bodies of local self-government, their officials are obliged to act only on the basis, within the limits of authority and in the manner provided by the Constitution and laws of Ukraine.

It is here that the so-called gap is right, because at present there is no definite status of the so-called "person of the case", that is, a person who has not yet acquired the status of a suspect in the order established by law, but in

the investigator, the prosecutor already has an internal conviction and the availability of sufficient evidence that this person will soon become aware of this status.

As regulated by Art. 42 CPC of Ukraine, the person is suspected of:

- which, in accordance with the procedure provided for in Articles 276-279 of this Code, has been notified of suspicion,

- a person detained on suspicion of committing a criminal offense,

- the person in respect of which a suspicious notification was made but was not handed over to him as a result of not identifying the location of the person, but measures have been taken to serve in the manner prescribed by this Code for the delivery of communications.

As in case 1, and in case 3, the person should first be called to make such a message.

However, such a person has not yet acquired any status, therefore, the CPC rules that regulate the call procedure do not apply to it.

Therefore, referring to Art. 19 of the Constitution of Ukraine, a person who has not yet acquired any status in a criminal proceeding, however which the pre-trial investigation body still challenges, may treat such actions as a gross violation of its rights as a person, since no rule of law provides for the first, the very implementation of its challenge to the body of pre-trial investigation (does not apply to cases where the person is already detained on suspicion of committing a criminal offense, since she has already acquired the procedural status of the suspect), and secondly, the obligation to appear to such challenges (as provided for in the duties, for example, a witness (Article 1 part 2, Article 66 of the CPC of Ukraine), the victim (paragraph 1 of Article 57 of the CPC of Ukraine), the suspect, the accused (Item 1 of Part 7 of Article 42 of the CPC of Ukraine), etc.)

Moreover, in the absence of such a person to challenge the body of pre-trial investigation, that is, a person without a definite procedural status, there is no liability whatsoever, as in Art. 139 CPC of Ukraine (the consequences of not

coming to the call), the circle of participants who will be responsible for non-arrival is outlined:

-the suspect

- the accused

- witness

- the victim

- a civilian defendant

- the representative of the legal entity in respect of which the proceedings are being conducted.

As you can see, the circle is clearly outlined and exhaustive.

In addition, one can not ignore the fact that in the future it is simply impossible for such persons to apply either the imposition of a pecuniary charge or an accident, since according to Part 3 of Art. 140 of the CPC of Ukraine can be applied to a suspect, accused or witness, nor a temporary restriction on the use of special law, as in accordance with Part 1 of Art. 148 of the CPC of Ukraine, it applies only to the suspect, or removal from office, because according to Part 1 of Art. 154 of the Criminal Procedure Code of Ukraine, it can be carried out in respect of a person who is suspected or accused of committing an offense of moderate, grave or especially grave crime, and regardless of the gravity of the crime, as regards the person who is an official of the law-enforcement body.

Such gaps in the law in practice allow persons without a definite procedural status - prospective suspects - to directly ignore the challenges of the pre-trial investigation body, which in the future makes it impossible in practice to properly carry out a pre-trial investigation and perform the tasks of the criminal process in general.

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IMPORTANT QUALITIES OF A POLICE OFFICER

A police officer is a respected member of the community. From answering disturbance calls, to responding to accidents and incidents, to solving crimes and protecting the community, a law enforcement official is always performing a vital service for the good of society.

If you're thinking of police work as your career, consider what qualities and characteristics you should possess as a police officer.

Every officer should have the highest integrity and character. However, when we asked police officers what they saw as the most important qualities to performing work as law enforcement officials, they thoughtfully offered these additional traits.

Police officers must:

Enjoy Working with People. Police work among the general public every day. Whether they are providing security services at large events or patrolling highways and city streets to ensure citizens' safety, they are talking to people for at least half of their work day. Being a "people person" is cited by many police officers as an essential requirement of the job. Many days, a police officer must help those who are suffering, which can be overwhelming and exhausting.

To be a good police officer, you must truly care for people – those you know, those you don't, and those you'll meet some day in the future.

To build trust in the community, police officers must be in constant communication with citizens, listening to their wants and needs and building a rapport with those they work with day-to-day. The perception of law enforcement is created by its relationships with community members, community officials, and the media. Trust means keeping promises, acting in a manner that promotes community safety and security, and avoiding actions that can undermine trust.

Enjoy Language, Science, Math and Computers. While working with people involves a part of an officer's day, office work takes up at least another few hours. Officers use computers to write and file reports and must have fundamental knowledge (and often much more) of science and math. Many police officers earn an undergraduate bachelor's degree, which is grounded in communication and critical thinking, to ensure that they can successfully multitask.

Be a Team Player. An important aspect of police work is coordinating with other law enforcement departments, court officials, and various first responders – all integral parts of the law enforcement community. This means that officers will often be in a leadership position and will have to delegate items to others on their team. You must know how to communicate with others to create a safe environment.

Be a Fast Problem Solver. An officer is called upon to make hundreds of decisions throughout the course of a day, often using a combination of instinct, research, proper procedure, and analysis. While some problem-solving abilities come with years of experience, it's still important to be able to make snap decisions at the beginning of your career.

There is no such thing as a routine call in law enforcement. Officers should have the ability to quickly and efficiently evaluate and analyze facts, observations, and information so they can make sound decisions. Officers must

be able to think critically if they're going to help members of the community solve problems and resolve conflicts. Keen observation skills are essential. Being able to visually, mentally and emotionally gauge a situation quickly can save your life and the lives of others. Detail-oriented individuals tend to be better observers because they can pick out small (but important) details at a moment's notice.

Easily Adapt to Change. The rise and fall of political parties and those who appoint police commissioners guarantee that a police officer's environment will be ever changing. A good officer has the ability to modify his or her methods without sacrificing results.

Law enforcement hiring is very competitive now. If you would like to be a police officer, an undergraduate degree will make you a valuable applicant when it comes to finding employment. Those who currently hold a position as a police officer also have found it useful to earn a four-year degree, but have difficulty finding the time to earn a master degree.

The environment is changing across all careers, not just in law enforcement, and soft skills are becoming a greater focus for employers across the job spectrum. The need to hone and develop these skills is perhaps much more pronounced and acute in law enforcement. As society demands more compassion and understanding from their officers, emotional intelligence and soft skills are increasingly more important in recruiting, training and retaining police officers, and they are the keys to success in your own career. Police officers should be flexible and adaptable, not only to the changing social climate and evolving technologies but to individual situations as they unfold. Officers must be able to anticipate, adapt, and overcome challenges in order to provide real service to their communities.

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LEGAL ADMISSIBILITY OF ELECTRONIC DOCUMENTS AS EVIDENCE IN UKRAINE

Historically, the hearsay rule has hindered efforts to introduce more kinds of records into evidence. This rule is based on conceptions of the validity and veracity of direct oral testimony and a distrust of information delivered second-hand, including, theoretically, all written documents. The accumulation of a body of case law has been required at each step to ensure legal acceptance of new technologies into evidence and to solidify the legal foundations of admissibility against objections based on technicality and conflicting judicial decisions [1, p.55].

Hugh Taylor sees the proliferation of electronic records and communication as the advent of a "post-literate" era, in which high-speed linkages will foster modes of communication analogous to those of oral cultures [2, p.457].

During the early development and growth of electronic technologies in recordkeeping systems, many predicted that electronic records would replace paper and result in the "paperless office," but this has not yet come to pass.

If electronic records remain tied to paper—especially if some retain paper-based input or output—they may retain their textual similarities, and the law may continue to treat electronic records as paper records, modifying rules and procedures only slightly to allow electronic records into evidence [1, p.56].

The rapid development of technology causes fear and distrust in many people. People want to see a paper document printed on a letterhead, with a signature, seal or with other means of protection. Electronic documents are less secure than paper. However, only a person who has a good computer skills can make changes to the electronic document without any visible changes and traces remaining on the computer.

According to the Criminal Procedural Law of Ukraine, electronic documents are a kind of document. But it is wrong to identify electronic and paper evidence, since they are of a different nature. Therefore, electronic documents are characterized by specific requirements, including requirements for admissibility.

It is very important to prove that the evidence is admissible, since only admissible evidence can be taken into consideration by the court during the trial. There is no doubt that we use electronic documents in our everyday lives. And it concern not only to communication but also to business, regulatory powers of the authorities, etc. Thus, it is necessary to establish the basic principles of the admissibility of electronic documents as evidence.

Therefore, in our opinion, authenticity and identification can be attributed to the basic requirements for the admissibility of electronic documents. After all, these basic processes can help you to determine from which device, at what time and who was created, changed, received an electronic document, sent a message and other possible information. It is necessary to involve an expert and conduct an examination of an electronic document for carrying out such actions.

Due to the lack of a common practice for the use of electronic documents in evidence, the parties often spend on printing an electronic document and attach it as proof of criminal proceedings. In practice, this practice is unacceptable for the following reasons: 1. This evidence is secondary rather than basic. 2. Excludes the possibility of identifying a document. 3. It is not possible to display all the information related to the document.

Electronic records may contain a wealth of information about sender, receiver, date, actions, and the like, which is not always transferable (due to system design or user choice) to paper copy—is the first indication that the courts may begin to treat electronic records in fundamentally different ways.

Similarly, where a document is to be used to prove a point, the original should be produced in court, and not a copy or photograph or any other reproduction of the same, not even statements regarding the contents by someone who has seen it[3].

So, legislator must treat an electronic form of document as an evidence another from written and other documents, define the main features of legal admissibility of electronic documents and create common practice of using electronic documents as a proof.

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

Vibration is a mechanical phenomenon whereby oscillations occur about an equilibrium point. The word comes from Latin *vibrationem* ("shaking, brandishing"). The oscillations may be periodic, such as the motion of a pendulum—or random, such as the movement of a tire on a gravel road. Vibration can be desirable: for example, the motion of a tuning fork, the reed in a woodwind instrument or harmonica, a mobile phone, or the cone of a loudspeaker.

In many cases, however, vibration is undesirable, wasting energy and creating unwanted sound. For example, the vibrational motions of engines, electric motors, or any mechanical device in operation are typically unwanted. Such vibrations could be caused by imbalances in the rotating parts, uneven friction, or the meshing of gear teeth. Careful designs usually minimize unwanted vibrations.

The studies of sound and vibration are closely related. Sound, or pressure waves, are generated by vibrating structures (e.g. vocal cords); these pressure waves can also induce the vibration of structures (e.g. ear drum). Hence, attempts to reduce noise are often related to issues of vibration.

There are 3 types of vibration.

Free vibration occurs when a mechanical system is set in motion with an initial input and allowed to vibrate freely. Examples of this type of vibration are pulling a child back on a swing and letting it go, or hitting a tuning fork and letting it ring. The mechanical system vibrates at one or more of its natural frequencies and damps down to motionlessness.

Forced vibration is when a time-varying disturbance (load, displacement or velocity) is applied to a mechanical system. The disturbance can be a periodic and steady-state input, a transient input, or a random input. The periodic input can be a harmonic or a non-harmonic disturbance. Examples of these types of vibration include a washing machine shaking due to an imbalance, transportation vibration caused by an engine or uneven road, or the vibration of a building during an earthquake. For linear systems, the frequency of the steady-state vibration response resulting from the application of a periodic, harmonic input is equal to the frequency of the applied force or motion, with the response magnitude being dependent on the actual mechanical system.

Damped vibration. When the energy of a vibrating system is gradually dissipated by friction and other resistances, the vibrations are said to be damped. The vibrations gradually reduce or change in frequency or intensity or cease and the system rests in its equilibrium position. An example of this type of vibration is the vehicular suspension dampened by the shock absorber.

Vibration Isolation in Industrial and Manufacturing Equipment

In a factory or other industrial setting, vibration isolation becomes important for a number of reasons. It is important to reduce, isolate or control vibration to:

Protect sensitive machinery and parts to reduce wear and tear

Reduce sound generated by the machinery, protecting the humans who must work around them

Prevent movement by heavy machinery caused by excessive vibration, which can become a safety issue

Stop vibrations that may interfere with the quality of the product that is being manufactured.

Vibration Isolation and Sound Reduction for the Protection of Humans.

The larger a machine is, the louder it is likely to be. If you are a human stuck working in the area of those machines, it can quickly become very uncomfortable and can lead to serious problems with hearing up to and including

deafness. To protect the humans and their hearing, vibration isolation systems are employed, absorbing some of the sounds that are created from the machines. These are typically pads that are placed under the machines but could be other types of systems as well.

Whole body vibration frequently causes or exacerbates health effects such as lower back pain. A person is likely to have lower back pain because their ligaments get loose due to the repeated shaking. Vibration can also cause mild to acute damage to the back bone and discs. This kind of vibration may also cause motion sickness, damage to bones and reproductive organs, vision or balance impairment, digestion problems, heart conditions and changes in respiratory and endocrine systems.

The risk of having these health problems increases when a worker is exposed to WBV for a long time.

Another effect of hand-arm vibration is Vibration-induced white finger (VWF).

VWF is the most common among persons who operate hand-held tools that produce vibrations. Symptoms of VWF become more amplified when exposed to cold. Such vibration can cause change muscles, tendons, joints and bones and even impair the nervous system. These effects are collectively referred to as Hand-Arm Vibration Syndrome (HAVS).

Common symptoms of HAVS

- Blanching (whitening) of one or more fingers when exposed to cold;
- Tingling feeling on the fingers and loss of sensation;
- Pain and cold sensations in between episodic white finger attacks;
- Loss of grip strength; and
- Bone cysts in wrists and fingers.

These symptoms develop gradually, becoming severe over time. Problem is, HAVS may take up to several years before becoming clinically noticeable.

Overall, vibration induced health conditions develop slowly. You only feel pain in the beginning. But with continued exposure, this develops into an injury or ailment.

There are some measures to minimise the dangers of vibration:

*1. Right choice of equipment***.** *Use low-vibration equipment and tools. Using equipment that is for instance not powerful enough or is too small may entail longer time to complete the task. This translates to longer exposure to vibration.*

2. Proper work practices. Improper use of equipment is one reason ailments develop from vibrations.

With this in mind, familiarise yourself thoroughly with how the equipment should be operated so you it would produce less vibration. Further, limit loads on hands and wrists and ensure you apply the right grip force.

Always wear the right gloves and clothing. Where possible, make use of suspension systems and jigs to take vibration and weight of equipment away from the operator.

3. Regular worker rotation. Rotating workers ensure they get the right break from such exposure to harmful vibrations. They would have enough rest so they need to handle equipment correctly and safely.

The effects of vibration can be prevented or at least contained provided you know how to do it. The above steps are enough to keep workers safe from the impact of vibrations.

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THE DANISH ANTI-CORRUPTION STRATEGY

Corruption is a complex social, political and economic phenomenon that affects all countries. Corruption undermines democratic institutions, slows economic development and contributes to governmental instability. Still, there are a number of countries where corruption is at a very low level. New Zealand, Denmark, Finland and Sweden have been consistently ranked at the top of the Corruption Perceptions Index and are perceived to be the least corrupt of all the countries surveyed. These countries share a common set of characteristics that are typically correlated with lower levels of corruption.

Well performing countries typically have a long tradition of government openness, civic activism and social trust, with strong transparency and accountability mechanism in place allowing citizens to monitor their politicians and hold them accountable for their actions and decisions.

There are four strategic areas that are common to all these countries:

– disclosure of budget information discourages waste and misappropriation of public funds. Therefore, countries should seek to promote information disclosure as well as enhance citizens' participation throughout the budget process. The Open Budget Index shows that Sweden allows citizens to assess how their government is managing public funds.

– Codes of Conduct for public servants. Denmark obliges ministers to monthly publish information on their travelling expenses and gifts.

– Legal framework criminalizing a wide range of corruption related abuses and an independent and efficient judiciary.

Higher-ranked countries tend to have more press freedom, access to information about public spending, and independent judicial systems. These areas are indispensable in the fight against corruption.

For the sixth consecutive year, Denmark has ranked an annual ranking comparing the levels of corruption around the world. Denmark shared the leading place with New Zealand in Corruption Perception Index-2018, released by anti-corruption organization Transparency International [1].

The most important aspects which Denmark follows to curb corruption are the following:

1. The Danish Model: Denmark is one of the most egalitarian societies in the world. The Danish welfare scheme ensures a healthy work-life balance and healthcare for all. Freedom for the individual, equality, respect, tolerance and a strong sense of mutual trust are core values in Denmark.

2. Another contributor to the low level of corruption is the intensified focus on Corporate Social Responsibility that Denmark has experienced recently. To have an anti-corruption strategy as a part of the company's CSR policy is important as it functions as a trade mark for companies.

3. Strong legal framework criminalizing a wide range of corruption related actions as well as an independent and efficient judiciary.

4. Disclosure of budget information to the public fosters efficient management by public funds. Moreover, operational participation of people in the budget process is needed to reduce the embezzlement of public funds.

5. Strong Media: Media monitoring public, private companies and the government would reduce the corruption. The fear of bad-image should supersede the need to adopt corrupt practices.

Transparency, integrity, independent judiciary, civic activism and social trust are the factors that make Denmark one of the least corrupt countries in the world. In addition to lower level of corruption, Denmark also has a high standard of living, high social mobility, high literacy and equality. Such efficient practices are being used by various least corrupt countries.

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ANALYSIS OF THE MARRIED COUPLES NEEDS SPHERE

The aim of the paper is to investigate the main needs that influence the relations between a male and a female, and between a husband and a wife.

The need sphere of a married couple is becoming increasingly relevant in modern society. This is evidenced by the divorce statistics. Today, more than

50% of marriages break up, even not considering the civil "unofficial" marriages. One of the causes of it can be the unsatisfied needs of both males and females.

It should be noted that males and females are different not only externally, their brain also works differently. Each of them can have his/her own hierarchy of needs, and if there is no communication between the spouses, they can never become aware of the basic, immediate needs of each other.

Lets analyze the needs sphere of the spouses in the context of A. Maslow's theory of the needs hierarchy. According to the scientist, there are five levels of needs which are arranged in compliance with their growth. A person cannot satisfy the needs of the higher level without satisfying the needs of the lower level. So, at the first level is the satisfaction of the physiological needs. The second level is the need for security, namely the safely of one's health, property, and future. The third level is the social needs that are friendship, and family. The fourth level is responsible for the need for respect: self-esteem, confidence, and achievement. A. Maslow considers self-expression, the need for self-development, the need for solving situations in creativity to be the highest level of the needs. According to this theory there is no clear division of the basic needs that specifically concern the needs of females and males. A. Maslow's theory gave much to understanding what is the basis of the interests and actions of people, but there many exceptions to this theory. For example, for someone the need for respect is more important than love.

Also, W. Harley distinguished five basic needs that males expect from their wives and vice versa. Let's start with the basic needs of males. The first one is sexual pleasure. In this way a male can relax, feel "power" and receive some resources.

The second need is that males want their wives to spend their free time with them. Undoubtedly, they consider the time being together to be more important, but in this case tastes may differ. Males, more than females, like those activities which are connected with risks and adventures. They are often afraid

that females may somehow restrict them. If the woman asks the men to spend free time with the family, it can cause the feeling of insult or indignation in him. For the most couples there is such a variant when the male has his own interests and the female has her own ones. However, they try to concentrate on what is common to them.

The third need is the charm of his wife. It does not mean that she should be a beauty, but she should try to preserve the attractiveness she had before the marriage. Of course, this also applies to males.

The forth need is the need for peace and tranquility. Males need free time for rest. Therefore, the couple must solve this problem in such a way that both are satisfied. Often, this becomes the source of tension in the marriage and leads to a conflict.

The last need is the need for admiration. Men flourish when women admire them. They desperately need recognition and encouragement.

At the same time, W. Harley identified the five wives' needs that they expect from their husbands.

The first need is a romantic atmosphere, tenderness, the man's demonstration of his recognition of her as his wife. As it is well known, women are more emotional, that is why they have the need for the feelings which inspire, for tenderness and protection.

The second need is the need for communication. It is worth marking this need out among all the existing ones, because it reveals one of the secrets of successful and constructive communication both in marital life and in general.

The third need is honesty and openness. Honesty and openness are the basis for the female's ability to trust him and feel herself safe. That is why, in order not to lose the trust of his wife the husband must be frank with her both in trifles and in great affairs.

The fourth need is the financial support (the need for a sufficient amount of money). According to the scientists, it is the presence of the specific sum of money necessary for life, stability, and confidence in the future.

And the last need is to fulfill the role of father. It is important for the woman to have her husband as an example to follow him by his son and as a model of an ideal husband for his daughter; and also, that her husband should take certain obligations to develop and educate children.

Analyzing the needs of the spouses one should pay attention to the opinion of G. Chapman, who believes that the quarrels and the lack of mutual understanding of the couple does not mean that the husband and wife do not love each other. They are simply more likely to speak different languages of love and because of this each of them feels unlucky. This is the main idea of the book "5 Languages of Love", in which it is stated that every person has his own language of love (though there are "bilingual" people), and in order to feel your love it is necessary to "speak" the language of your object of love.

The basis of his book is five languages of love, namely:

1 – the words of support;

2 – qualitative time;

3 – receiving gifts;

4 – acts of serving;

5 – physical touch.

This concept is both similar to A. Maslow's theory of the needs hierarchy and to W. Harley's ideas. However, in this case, it is necessary to understand that for someone self-washed dishes are a better act than a presented car, or warm and delicious dinner is better than embraces and kisses. To determine the language of love, according to G. Chapman, the spouse is recommended to have a test to determine the important languages of love of each other. In addition, it is worth not only to determine, but also to use them daily.

Therefore, the idea of that "we did not suit one another" or "we are too different' is, frankly speaking, quite meaningless. The idea of creating a family,

as the main institution of society, involves not only one day of the wedding, but also the common, happy and the only married life. This is a specific and not a simple work, but a daily contribution to the relationship.

Married life can be viewed as a daily search for satisfying each other's needs. Besides, as mentioned above, communication is a pivotal key to all the doors of marital communication.

Very often all the values and needs can be interwoven, they can change or transform, but the main goal is to determine the actual need for today or for a particular moment.

It is also worth not to forget about the difference between the male and female brain activity. This explains the peculiar hierarchy of some needs for males and other needs for females. The satisfaction of the needs in the marriage will promote its development, and transformation into something "higher" or "better".

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FIGHT AGAINS TERRORISM AS ONE OF THE PRINCIPAL TASKS OF SECURITY SERVICE OF UKRAINE

We must fight against terrorism,
but first and foremost
against what makes people
to become terrorists.
(Mohamed ElBaradei,
Egyptian public figure)

The level of terrorist threat in the world is quite high today. The countries where armed conflicts are going on (Middle East countries and African countries) and the Western countries are suffered from terrorism. It becomes more difficult to counteract this threat. International terrorism is a phenomenon, that has no geographical borders and it does not pose a danger only to individual countries but also calls into question the stability of international public order.

In the current conditions the activity of international terrorist organizations have not only a negative impact on safety in general but it poses a direct threat to national security of Ukraine. A large number of terrorist organizations are operating in the world today; they use anti-human methods of intimidation and seizure of power.

On September 11th, in 2001 in the USA two planes, which were guided by terrorists of Al-Qaeda, were flown into the twin towers of the World Trade Center in New York. Another plane was crashed into the Pentagon, the top mili-

tary building in the capital city, Washington DC. The fourth plane crashed into a field, in state of Pennsylvania. The terrorist organization Al-Qaeda took the responsibility. As a result, 2996 people died and 6000 people were injured.

In Paris, the capital of France, on November 13th, 2015 terrorists made a bloody attack in several locations simulteneously. They killed 128 people. Explosive devices worked near the stadium "Stade de France", where took place a friendly match between national teams of France and Germany. There were three explosions. Responsibility for a series of terrorist attacks in France took the Islamic State.

Unfortunately, threat of terrorism is also in our country. In particular, in the territory of Donetsk region, occupied by pro-Russian militants, a plane Boeing 777 was shot down on July 17th , 2014. The plane flew from Amsterdam to Kuala Lumpur. As a result of tragedy 298 people died. Nobody has taken the responsibility for the attack. However, it was proved during the investigation, that Russian rocket hit the plane.

Security Service of Ukraine is one of the main actors which provide national security. In part 1 Article 1 of the law of Ukraine "About the Security Service of Ukraine" it is stated that the Security Service of Ukraine is state body of special purpose with law- enforcement functions which ensures state security of Ukraine [3].

According to the above mentioned facts of terrorist actions, it becomes relevant to analyze the administrative legal status of Security Service of Ukraine as law enforcement agency with corresponding powers of protection of national security.

According to the law of Ukraine "About the principles of internal and external policy" the main tasks of the internal policy of the state in the field of national security is forehanded detection, prevention and neutralization of existent and potential threats to national interests[2]. The sovereignty of Ukraine was tested for strength under pressure of external political influences for recent years. Therefore, Security service of Ukraine from the first days of its

creation give priority to the fight against threats of a national character, especially with manifestations of terrorism [6, c.125].

According to the Decree of the President of Ukraine, on December 11th , 1998, an Antiterrorist Center under the Security Service of Ukraine was established to organize and carry out anti-terrorist operations and coordinate the activities of those subjects which are fighting against terrorism or are engaged in anti-terrorist operations.

On March 20th , 2003, the Verkhovna Rada of Ukraine adopted the Law "On the Fight against Terrorism" in order to protect the individuals, state and society from terrorism, to identify and eliminate the causes and conditions that generate it, to determine the legal and institutional framework to combat this dangerous phenomenon[1].

As already mentioned, terrorism is a threat to human rights on the one hand, and on the other, it is unacceptable to violate human rights in the fight against terrorism or its manifestations. In view of this, the legislation imposes certain limitations on the use of methods and means in operational activity. In particular: the methods and means of activity of Security Service of Ukraine should not endanger the lives, health, honor and dignity of people. It is prohibited to use technical means, psychotropic, chemical and other substances that inhibit the will or cause harm to people's health in order to receive the information.

The specificity of the activity of Security Service of Ukraine is that certain areas of its activity need to be kept under wraps. The classified should be only information, the dissemination of which may harm the national interests of the country. In 2018 Ukraine's Security Service, prevented eight terroristattacks , five of them were solved.During the counterintelligence activities of Security Service of Ukraine from 2016 to 2018, it prevented 28 terrorist plots in the country [4].

Ukraine ranks 21st in the Global Terrorism Index 2018, published by the London Institute of Economics and Peace, defining the influence of terrorism

on the country's life. In general, the experts classified five countries as the countries with the “highest” level of terrorist influence: Iraq, Afghanistan , Nigeria, Syria and Pakistan[5].The index provides a comprehensive summary of the key global trends and patterns in terrorism since 2000. It produces a composite score in order to provide an ordinal ranking of countries on the impact of terrorism.

A prerequisite for proper protection of national interests and threats counteraction is the creation and effective functioning of the system of ensuring national security. In this system, the leading role is played by law enforcement agencies of special purpose, in particular, the Security Service of Ukraine. Accordingly, in today's conditions, the Security Service of Ukraine is gradually transformed from a state body that performs only punitive functions to the agency the main priority of which is the protection of human rights and freedoms and the legitimate interests of society. Consequently, we can conclude that the role and place of the Security Service of Ukraine in the system of state bodies which counteract terrorism are due to its exceptional tasks and functions as a state law enforcement agency of special purpose. The efforts of the Security Service of Ukraine in the sphere of international cooperation aims at maximum support of the main tasks of the Service in countering national and international security threats such as terrorism, international organized crime, cybercrime, proliferation of weapons of mass destruction, corruption, smuggling, illegal migration etc. The effective counteraction of these threats depends on the level of cooperation with our partners in the bilateral format and under the auspice of international organizations.

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AMOROUSNESS AND ITS INFLUENCE ON PEOPLE

You can't concentrate at anything. Nothing concerns you, nothing pleases. The only desire is to possess the object of your dreams. Do you know this feeling? Yes, it's the brightest of all human experience. It's amorousness.

What does amorous mean?

Amorous means having strong feelings of love, especially sexual one. Amorous words or glances show love or sexual desire. This adjective is a Mid-

dle English word; it came via Old French, from Medieval Latin "amorosus" originating from Latin word "amor" denoting "love".

Amorousness is an individual feature of a person. It depends on perception of the intimate partner. Herewith, a person principally allocates external features and qualities. It's a cute emotional experience. An attraction to the object of sexual choice is called amorousness. This feeling differs from the state of love. Love is a constant and lasting emotional condition. Amorousness tends to rapid saturation and extinction.

Love or amorousness?

Amorousness can't last for a long time. It can disappear or transfer into a steady feeling of love. At the same time acute experience may be lost. And you could accept your beloved as a nice reliable friend and not as a sexual partner only. You appreciate your partner's intellect, moral traits and ability of cooperation and empathy. Amorousness isn't everything in a relationship though it is arguably one of the important parts which build a relationship. All love has an amorous part to it, but just amorous isn't a real love.

Why do people need amorousness?

Many confusing things happen in people's life because these two notions, amorousness and love, are mixed!

Amorousness arouses when two persons are looking at each other with exciting interest. It is passion, the first appetence of each other. The basis of amorousness is sex, sexual desire. Amorousness is the first stage of relationship. To build a close-knit family based on amorousness is impossible; but there will be no love without amorousness.

Unfortunately amorousness will pass away in about three-six months. Amorousness always passed away and it happens to everyone. Passion cannot be everlasting. Of cause, the flame of feelings may pass away in a week or it may be burning for some years. A man and a woman could date few times a week within a couple of months or even a year, but to keep the state of amorousness for some years is unrealizable.

The period of amorousness ends gradually: the partners begin to look at each other more calmly and critically, passion steps back before cold calculus. If disadvantages of the partner are unacceptable in the longer term the couple breaks up. If in the partners' opinion their disadvantages are acceptable and they can live with them for a long time amorousness passed away and love comes on its place.

The beginning of love is amorousness and the basis of love is friendship.

Love is an alloy of cooled passion, mutual respect, mutual help and friendship. Love is common interest or readiness of one side to go against his or her interests for the sake of partner's interests. It is love when two persons feel as they are two halves of a whole. The state of love may last for many years getting little colder and burning up again since there is passion in it. The state of love may be practically without sex, for example, if the couple is of certain age and unlike young mates significantly shorter because the partners have less energy and health. But this fact does not prevent creating a close-knit family based on love.

Mutual love is a pleasant, positive feeling. But negative emotions are also possible, in case of reciprocal love, when one love without return.

There are some typical symptoms betraying a person in love: endless feeling of joy; the need for dreams; the value of every minute of communication (being together); constant thought of a loved one; the person becomes vulnerable; the willingness to make sacrifices.

British scientists have investigated how love affects the human brain:

1) the person becomes happier, experiencing euphoria due to increased levels of dopamine, known as the hormone of joy and pleasure;

2) pain decreases. Scientists have discovered that it is just enough to look at a photo of a loved one and the pain reduces due to chemical reactions in the brain that block the pain;

3) the feeling of excitement fills the body with hormones such as adrenaline and norepinephrine, accelerating the heartbeat, blood vessels dilate

providing blood flow and the palms are sweating, the head starts spinning, a blush appears on the cheeks;

4) the heart becomes more secure. Married people are less likely to suffer from heart disease than single, regardless of age;

5) a person in love is much better adapted to the new conditions of life. When in love in the human body there is a favourable hormonal background that improves the thinking process, stabilizes the psychological state, deprives stress and phobias, increases the body's protective forces.

By numerous experiments, scientists have proven that love is the result of the release and interaction of certain chemicals: dopamine, oxytocin, testosterone, estrogen, butrepiniprin. They say: to have inspiration for life and the ability to embody new plans and intentions one should fall in love.

For creative people being in love is the best incentive to get new, advanced, original, innovative ideas!

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THE SIGNIFICANCE OF POLICE-COMMUNITY RELATIONS

Strong relationships of mutual trust between police agencies and the communities are critical to maintaining public safety and effective policing. Police officials rely on the cooperation of community members to provide information about crime in their neighborhoods, and to work with the police to devise solutions to crime and disorder problems. Similarly community members' willingness to trust the police depends on whether they believe that police actions reflect community values and incorporate the principles of procedural justice and legitimacy. In the wake of recent incidents involving police use of force and other issues, the legitimacy of the police has been questioned in many regions of Ukraine. Many cities in our country experienced large scale demonstrations and protest over police misconduct and excessive use of force. It is imperative that police agencies make improving relationships with their local communities a top priority.

The failure of community policing theories and programs in poor neighborhoods begins with its incorrect assumption that society is pluralistic and that all communities have similar problems, needs, and access to political and economic resources. Crime, resources, and the behavioral prerequisites for community crime prevention are unevenly distributed in advanced societies. The concentration of economic inequality and political powerlessness in some residential areas has nurtured a spatial and interpersonal inequality of crime and victimization, while negatively influencing the ability of these communities to collectively address their local problems.

Communication problems that are also apparent include one-way dialogue between police and neighbourhood residents, the inability of police to effectively communicate with minority and special needs groups. These communicative problems limited the success of community policing and crime prevention in this neighborhood and perpetuated the asymmetrical relations between many residents and the police. Some ways in which police can demonstrate an understanding of issues so as to build trust with public must be offered. The strategies for building trust between the police and community should be developed.

The following key issues and recommendations can be used to help police departments and their communities to develop collaborative strategies for moving forward:

1. *Discuss with your communities the challenges you are facing.* Controversial use of force can damage relationships between police and their communities. In some cases, a perceived egregious act of misconduct by a single officer in one city not only damages police-community relationships locally; it can gain nationwide attention and reduce trust of the police generally.

2. *Be transparent and accountable.*

Transparency is essential to positive police-community relationships. When a critical incident occurs, agencies should try to release as much information about it as possible, as soon as possible, so the community will not feel that information is being purposefully withheld from them. At the same time, it is also important to stress that the first information to emerge following a critical incident is preliminary and may change as more information becomes available. Police leaders should let the news media and the public know that early information may not be correct, and should correct any misinformation quickly. On a day-to-day level, police departments should post information on their websites detailing policies on use of force, community member complaints, and other issues. This information should be easily accessible to the community.

3. *Take steps to reduce bias and improve cultural competency.*

Officers at all levels must receive training on diversity, implicit bias, and cultural competency. Many cities and towns have communities with a variety of ethnic backgrounds and cultures, and it is important for officers to be able to communicate effectively with, and understand the cultural norms of these different groups.

4. *Maintain focus on the importance of collaboration.*

It is important for the police to be visible in their communities and know their residents. Many people do not interact with the police outside of enforcement contexts. This can result in people developing negative associations with the police – for example, if the only contact they have ever had with police consisted of receiving a traffic citation or calling the police to report being the victim of a crime. Finding opportunities to interact with community members in a non-enforcement context helps to reduce bias on the part of community members and police officers. Getting to know community residents helps both groups to break down personal barriers and overcome stereotypes, and allows officers to learn which residents of a neighborhood are law-abiding and which ones are not. Police executives often report that law-abiding residents of high-crime neighborhoods resent it when police seem suspicious of everyone in the neighborhood, and, for example, make pedestrian stops of young men who are on their way to work or to school. Personal interactions between police officers and community members build mutual trust, which is essential to addressing neighborhood problems and reducing crime. Programs and initiatives to foster these interactions include:

- Adult and youth police academies;
- Sports teams or "Police Athletic Leagues";
- Ride-along with officers;
- Police involvement in local school activities;
- Police participation in (or police-led) community events.

Police officials should see themselves as a part of the community they serve, and local government officials, police leaders, and community members

should encourage the active involvement of officers as participants to help maintain the peace. For example, police officials may be invited to participate in peace marches, to attend local sporting events, or to attend neighborhood barbeques or outdoor community "movie nights" for kids.

5. *Promote internal diversity and ensure professional growth opportunities.* Police agencies need to present policing as a profession. Departments should work to recruit people who want to become officers based on a realistic understanding that the large majority of police officers' time is spent addressing community requests and that actual "law enforcement" is a much smaller percentage of the time. Police agencies also should step up efforts in recruiting and promotional processes to increase overall diversity in their departments. Agencies should provide regular opportunities for career growth and professional development training. Internal processes of a department regarding recruiting, promotions, and other matters should be transparent and fair. When an agency creates an environment that promotes internal fairness and respect, officers are more likely to demonstrate these qualities in their daily interactions with the community.

Many of the top officers and professionals in law enforcement have said cited effective communication skills as a key ingredient to their success. That's because the most successful law enforcement leaders understand how to communicate with people from diverse backgrounds under varying and often unpredictable conditions. They use communication to build trust, create transparency and foster an atmosphere of mutual respect and empathy, be it in the office, on the streets or in the courtroom.

A key component of de-escalation is the proper use of communication as well. Police officers should use language and presence to get people to comply with lawful orders. But learning how to communicate with diverse populations and with suspects and community members who may be dealing with addiction, mental illness, poverty, or any number of afflictions is not easy. Communi-

cation techniques and skills, especially as they apply to modern police work, must be learned and practiced in order to be effective. That's why training and higher education for police officers is so crucial.

Perhaps today more than ever, it is essential that police and law enforcement professionals have the interpersonal skills necessary to effectively communicate with fellow officers, subordinates, higher ups, community members, other departments and jurisdictions, and the court systems. Police communication skills are necessary to investigate crimes, de-escalate situations, build trust with communities, and write memos, reports and grants.

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BREACHES OF INTERNATIONAL HUMANITARIAN LAW: WAR CRIMES

Russia's Invasion of Ukraine Is a 'Crime,' Not a Civil War

The term ***"war crimes"*** refers to serious breaches of international humanitarian law committed against civilians or enemy combatants during an international or domestic armed conflict, for which the perpetrators may be held criminally liable on an individual basis. Such crimes are derived primarily from the Geneva Conventions of 12 August 1949 and their Additional Protocols I and II of 1977, and the Hague Conventions of 1899 and 1907. Their most recent codification can be found in article 8 of the 1998 Rome Statute for the International Criminal Court (ICC). War crimes are acts and omissions that violate international humanitarian law and are criminalized in international criminal law [3].

War crimes rose to prominence as a result of the two world wars and the ensuing efforts to prosecute some of the people responsible for crimes committed then. Article 6 of the Charter of the Nuremberg International Military Tribunal of 8 August 1945 gave the Tribunal jurisdiction to try people who, acting in the interests of the European Axis countries, committed: War crimes: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.

Armed conflicts severely affect the enjoyment and realization of economic, social and cultural rights. Tribunals such as the ICC or national courts have jurisdiction over a considerable range of war crimes. If the economic, social and cultural rights violations correlate with grave breaches, states even have an absolute obligation to prosecute or extradite alleged perpetrators of such abuses. Tribunals may consequently prosecute individuals alleged of criminal conduct which is at the same time part of an ESCR violation of the state to which the conduct of the individual is attributable.

The International Tribunal shall have the power to prosecute persons committing or ordering to be committed grave breaches of the Geneva Conventions of 12 August 1949, namely the following acts against persons or property protected under the provisions of the relevant Geneva Convention: **(a) wilful killing; (b) torture or inhuman treatment, including biological experiments; (c) wilfully causing great suffering or serious injury to body or health; (d) extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;(e) compelling a prisoner of war or a civilian to serve in the forces of a hostile power;(f) wilfully depriving a prisoner of war or a civilian of the rights of fair and regular trial; (g) unlawful deportation or transfer or unlawful confinement of a civilian; (h) taking civilians as hostages.**

Murder or wilful killing is a war crime. The elements of this war crime are that the perpetrator caused the death of a protected person, that the death resulted from an act or omission contrary to the law of armed conflicts, and that the perpetrator acted wilfully. The term "killing" is equivalent to the term "causing death" [4].

Forcibly moving a civilian population for reasons related to a conflict can constitute a war crime; The unlawful deportation or transfer of a civilian population constitute a group of complex war crimes which differ according to the type of conflict [8].

The prohibition against destruction and serious damage to property, not justified by military necessity and carried out unlawfully and wantonly, was well established under customary international law by 1975 as a serious violation of the law of war.

Torture has held a prominent place in the list of international crimes since the Commission on Responsibilities, which was established at the Paris Peace Conference in 1919, listed "torture of civilians" as the third of thirty-two distinct violations of the "laws and customs of war", immediately following "murder and massacres; systematic terrorism" and "putting hostages to death".

The prohibition against willfully causing great suffering or serious injury to body or health was well established under customary international law by 1975 as evidenced by the Nuremberg Charter and other international instruments. In determining what is meant by “serious injury to body or health,” reference is to be had to domestic penal codes, “which usually take as a criterion of seriousness the length of time the victim is incapacitated for work” [10].

Depriving a protected person of essential fair trial guarantees was well established under customary international law by 1975 as a serious violation of the law of war. In particular, the right to a fair trial is protected in numerous international instruments and in widespread state practice.

Taking civilians as hostages. Hostages might be considered as persons illegally deprived of their liberty, a crime which most penal codes take cognizance of and punish. However, there is an additional feature, i.e. the threat either to prolong the hostage's detention or to put him to death.

Taking into account the above-mentioned items, the question arises if the Russian aggression against Ukraine a war crime? The answer is given by Paul Roderick Gregory, a research fellow at the Hoover Institution, at Stanford, and energy fellow and Cullen Professor of Economics at the University of Houston, a research professor at the German Institute for Economic Research Berlin: **Russia's Invasion of Ukraine Is A 'Crime,' Not A Civil War.**

On November 14, the International Criminal Court (ICC) issued its preliminary findings that "there exists a sensible or reasonable justification for a belief that a *crime* falling within the jurisdiction of the Court 'has been or is being committed'" within the Crimean and Donbas territories of Ukraine. On release of the ICC report, Russia announced that it would withdraw from the organization because it "failed to meet the expectations to become a truly independent, authoritative international tribunal." The ICC report intensifies Russia's isolation following the Joint Investigative Team's (JIT) blaming Russia for shooting down MH17.

The ICC report concludes:

- Russia is an illegal occupier of Crime.

"The information available suggests that the situation within the territory of Crimea and Sevastopol amounts to an *international armed conflict* between Ukraine and the Russian Federation. This international armed conflict began at the latest on 26 February when the Russian Federation deployed members of its armed forces to gain control over parts of the Ukrainian territory without the consent of the Ukrainian Government.

- East Ukraine is an international armed conflict between Russia and Ukraine.

Russian war crimes are the violations of the law of war, including the Hague Conventions of 1899 and 1907 and theGeneva Conventions, consisting out of war crimes and crimes against humanity, of which the official armed and paramilitary forces of the Russian Federation are accused of committing since the dissolution of the Soviet Union in 1991.

Any crime is a matter of evidence. During an armed conflict, evidence becomes all the more valuable due to the complex circumstances of the acts, the nature of violations, their scale and cruelty. If a state faces new challenges with regulating public relations, the legal system must respond to these challenges accordingly. So far, this hasn't been the case for crimes committed in eastern Ukraine. Evidence is not systemic enough, information records are not kept

sufficiently well. The results of investigations of war crimes must lay the groundwork for Ukraine's position in the European Court of Human Rights, International Court of Justice and International Criminal Court. Each reported violation must be supported by proper evidence so that no doubts could arise. And that's why it is important to adhere to the requirements of these international bodies when collecting evidence.

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THE IMPORTANCE OF VENTILATION AT WORKPLACE

Have you ever thought that your health could threaten something when you are sitting in the office, working in a warehouse or just selling in a store? Many factors at this moment interact in the air. They can improve your health and also worsen it if you do not observe simple rules that do not take much time.

The aim of ventilation in buildings is to provide healthy air for breathing. All workplaces require a good supply of fresh air. This can be natural ventilation, from doors, windows or conditioner. It is particularly important for us. Building ventilation consists of three parts:

Ventilation rate it is depend on the outdoor air that is provided into the space, and it is quality.

The generally airflow direction in a building, that moves from clean zones to dirty. Air distribution the external air should to fill all space in the room and the air pollutants should also be removed.

Good ventilation can help to regulate temperature and control moisture levels. In the summer keep doors and windows open to provide a good supply of make up air.

Natural ventilation which depend on wind, pressure and temperature that moves fresh air through all building and is usually not controllable. Natural forces (e.g. winds and thermal buoyancy force due to indoor and outdoor air

density differences) drive outdoor air through purpose-built, building envelope openings. Purpose-built openings include windows, doors, solar chimneys, wind towers and trickle ventilators. This natural ventilation of buildings depends on climate, building design and human behaviour.

Mechanical ventilation which uses mechanical supply to provide fresh air and it is controllable. Mechanical fans drive mechanical ventilation. Fans can either be installed directly in windows or walls, or installed in air ducts for supplying air into, or exhausting air from, a room.

The type of mechanical ventilation used depends on climate. For example, in warm and humid climates, infiltration may need to be minimized or prevented to reduce interstitial condensation (which occurs when warm, moist air from inside a building penetrates a wall, roof or floor and meets a cold surface). In these cases, a positive pressure mechanical ventilation system is often used. Conversely, in cold climates, exfiltration needs to be prevented to reduce interstitial condensation, and negative pressure ventilation is used. For a room with locally generated pollutants, such as a bathroom, toilet or kitchen, the negative pressure system is often used.

Why fresh air is needed at workplace?

- To provide oxygen for breathing in and to remove carbon dioxide from breathing out;
- To provide heat in winter or cool temperature in the summer
- If the air we breathe is stale or contains too much carbon dioxide, as a result we could have problems such as headache, tiredness, eye irritation or another pain.

Temperature and air pressure differences in a building create an influence movement of air. The strength of the wind is influenced by wind speed, wind direction and shape of the building. Cross ventilation occurs when the wind blows air through a room or a building with openings as windows from opposite sides. Employees should be protected from draughts. Keep draughts to a minimum. If it is mechanical ventilation systems, you should control the di-

rection, speed of the airflow because it can affect your employees' health. Airflow movement can affect comfortable working conditions.

Office ventilation or mechanical ventilation removes unpleasant smells and excessive moisture, provide outside air to keep interior building air circulated and prevents stagnation of the indoor air. Ventilation make the exchange of air to the outside and circulation of air within the building. Do not block air vents in window with furniture or other objects that block air. You will cut of the airflow and prevent proper heating and cooling. This reduces the supply of fresh air. Open windows and doors in the office when possible to allow fresh air into the office.

On the one hand problems with the poor ventilation may seem not important if to compare it with another hazards, but on the other hand, it can cause a serious problem with the health if do not to maintain a normal airflow.

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THE ROLE OF FOREIGN LANGUAGES IN FORMATION OF SPIRITUAL POTENTIAL OF PERSONALITY

Knowledge of various languages is a sufficient pre-condition for the democratic development of the individual with the proper set of democratic knowledge, skills and values. A fluent command of foreign languages enables the dialogue between cultures, promotes the cultural and social enrichment of both society and individuals, provides open access to necessary information and exchange of experience, as well as reduces the risk of manipulation of public consciousness, the formation of ethnic stereotypes and inter-ethnic hostility. At the same time, the importance of learning languages is not limited only but these factors as the language has always acted and acts as the bearer of a certain cultural code being a social and spiritual phenomenon Oliver Wendell Holmes said that, "every language is a temple, in which the soul of those who speak it is enshrined. Therefore, speaking a foreign language you get the possibility to discover quite a new spiritual world and get enriched by it.

Speaking is the activity directly related to processes of thought formation and self-actualization whether you use mother tongue or a foreign language. Understanding this correlation helps learn a foreign language and contributes both to improving the efficiency of mastering a foreign language and actualization of the spiritual potential of personality and personal growth [1].

These sociological and cultural tendencies presuppose a thorough investigation of the language personality. What is a language personality for us? According to Vasylieva, 'the language speaker who uses the language as a means of nationally specific knowledge representation is considered a language per-

sonality. The language personality is an individual who presents herself in the language and with the help of the language, and therefore can be reconstructed through the analysis of the language means she uses' [2]. Moreover, the language personality is an individual with a set of abilities and characteristics that determine the creation and perception of texts that differ in the degree of structural and linguistic complexity and the depth and accuracy of reflection of reality. In our opinion, each of us should bring up a linguistic personality, because it helps a person develop comprehensively and form very important values, such as professional, national and universal. We will need these values throughout our lives, because they make us form a real person.

Firstly, professional values are those that person acquires while doing a certain job for many years. Professional values are acquired over time and experience and they are very important, because they determine how much person is educated, her ability to communicate with people and achieve success in different areas. We believe that learning of foreign languages is a very important factor in the acquisition of professional values, because person develops when she learns something new, and the desire to learn a certain language tempers her zeal and industry, which are no less important factors.

When educating a linguistic personality, we form different values. But we would like to highlight national values, as today they are extremely important. The person possessing them will do everything to change her country for the better. Thanks to national values, there are people who respect and appreciate their motherland, and will do their best to make changes in way of living in our country. Such people will try to improve the conditions in which they live, they will develop our country and move it forward. Thanks to them, we form strong nation that changes our environment and habitat for the better. While we are educating ourselves as a linguistic personality, we both form all these important values and also become altruists, because if person have such values, she will do good things not only for herself but for society as well.

Today, a lot of people pay little attention to universal values and live by their own rules. In our opinion this is mistake, because they are very important for each of us as they make us a human being, not an animal. Thanks to them, we understand what is good and what is bad for us and others, and we know how to make correct decision. We learn to treat others the way we want to be treated and this makes our society a little better. We believe, everyone should have these values, because without them we will have no future, people will think only about themselves and will do only what is in their interests, they will forget about such concepts as help and respect. As Aristotle said, 'the meaning of life is to serve others and do good'[4]. Otherwise, we stop developing as personality. So, at any time and under any conditions it is necessary to respect the moral values that help people to remain human being despite the life circumstances and experience difficult situations arising in the life of each of us.

One more reason to learn foreign languages is its being primarily interesting and useful for us, because they open many opportunities for us such as free communication abroad. We can also read the works of foreign authors, which makes our horizons wider. The knowledge of a foreign language enhances our cognitive and analytical abilities. Engin said that 'learning a foreign language is tough and involves a lot of mental exercise'[4]. Today, knowledge of a foreign language is necessary for everyone because despite what profession you have chosen knowledge of a foreign language is necessary. Ludwig Wittgenstein also said that 'The limits of my language are the limits of my universe' [5]. In our opinion, these are very clever words because if you don't develop your language skills you don't develop yourself. The most important thing is that through this we form a linguistic personality and improve ourselves, therefore we develop and form the most important values that make us a real person who seeks to make this world a better place, with understanding and respect for others.

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LEGAL ASPECTS OF OPENING AND MANAGING A RESTAURANT BUSINESS

Running a restaurant can be fun and rewarding, but people who plan on opening one should know about the legal issues involved. Building a successful restaurant business from scratch is a rather long and difficult path. To become the owner of the restaurant in an easier way, one can by acquiring a ready-made business. To acquire a restaurant that has a certain position, its regular customers, reputation, income level, installed equipment, working staff looks much more attractive. Sometimes the purchase of a restaurant is expressed simply in a change of ownership without major changes in the establishment itself.

If the owner has the opportunity and the desire to make fundamental changes, then even buying a small restaurant with the aim of expanding it or a bankrupt establishment can be a very profitable investment.

The purchase process begins with obtaining reliable information about the intentions of the sale of a particular institution and the reasons for the sale. At the same time, the manifestation of a strong desire to purchase this particular restaurant may provoke an inadequate price increase.

After declaring the desire to buy a business, in order to ascertain the real state of affairs, which can sometimes hide from the buyer, the next step will be a thorough check. In this matter, it is advisable to appeal to specialized law firms and consulting agencies.

In the restaurant business, one of the most common options for buying a finished product is to purchase a franchise, that is, using ideas, technology and a brand of a well-known brand. After negotiating the price, the crucial step is the preparation of documents for state re-registration of the enterprise in connection with the change of ownership.

Law firms will advise how it is most beneficial to re-execute documents. This may be the purchase of a legal entity doing business. The positive aspects of such a transaction are the assignment of the total amount of the share capital to the buyer, and, as a result, the acquired legal entity does not lose any rights, obtained licenses, certificates for manufactured products, there is no need to conclude new contracts with suppliers, and the hired staff continues to work.

Another option would be to purchase the property itself. In this case, the purchase of property belonging to the enterprise and, the procedure is carried out as the purchase of the property, and must be registered with the relevant authorities. In this case, you will have to go through the licensing, certification, etc. procedures again.

Starting a restaurant means that get to plan your food type, restaurant decor and menu, but you also have several legal concerns to address before serving your first customer. Properly handling legal issues makes the grand

opening easier while reducing the risk for additional expenses, fines or legal action.

Restaurant activity involves a number of legal aspects and problems to be dealt with. Serious health issues may result when bars and restaurants do not properly handle food or drinks. In addition to the possibility of food poisoning, customers can be burned or injured by broken glass in a restaurant environment. In order to help keep customers safe, laws are enforced regarding how food should be handled and stored, how surfaces should be cleaned, and much more. Restaurants and bars are subject to health inspections to ensure proper guidelines are followed.

Depending on the activity, a new restaurant may need any or all of the following licenses: food service establishment permit, an alcohol beverage license, a general business license, or a food safety permit, etc. Restaurants and bars frequently have legal problems involving liquor licenses and selling alcohol to minors. Even the general process to obtain a liquor license can become highly complex.

Some possible types of insurance restaurant owners may need a set of insurance are property insurance, liability insurance, liquor liability insurance, or workers' compensation insurance. Certain business-related legal issues include business formation, tax implications, franchising. Besides, any time there are employees of a business employment law issues may arise. Some intellectual property issues include registering the name of your restaurant as a trademark, registering for a recipe patent or trademark for food creations, and licensing music to play in the restaurant.

A business attorney can help you meet all the deadlines and fulfil requirements needed to open and manage a restaurant by helping decide which legal issues are most pertinent to the business, and work though possible strategies for the best legal protection.

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CORRUPTION AS A SYSTEMIC PROBLEM OF THE STATE OF UKRAINE

Corruption is a widespread problem in the Ukrainian society. High level of corruption leading to decreasing efficiency of the use of resources, worsening investment attraction of territories and growing social tension.

Under pressure from the civil society and international institutions, the Ukrainian authorities have taken steps to reduce corruption. Although these measures have brought initial positive results, corruption remains one of the biggest problems facing the country as any changes meet with resistance from the part of the Ukrainian political elite afraid of revealing their illegal activities and reducing future profits.

To elucidate the role of the civil society institutions in the prevention of corruption in Executive bodies and bodies of local self-government of Ukraine is not only of theoretical but also of great practical importance, since currently the creation of really effective mechanisms of fight against corruption is impossible without the involvement of civil society. Very relevant to solving the problem is to enhance transparency and facilitate public participation in formation and implementation of state anticorruption policy in our country and the creation of objective prerequisites for effective interaction between bodies of state power, bodies of local self-government and civil society institutions, as main actors of the prevention of corruption.

Violations of such the principles laid down in the Constitution of Ukraine are not allowed:

1) to affirm and ensure human rights and freedoms is the main duty of the State (Article 3);

2) the content and scope of existing rights and freedoms shall not be diminished in the adoption of new laws or in the amendment of laws that are in force. (Article 22);

3) there shall be no privileges or restrictions based on race, a color of skin, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics (Article 24);

4) all associations of citizens are equal before the law (Article 36);

5) constitutional human and citizens' rights and freedoms shall not be restricted, except in cases envisaged by the Constitution of Ukraine (Article 64) [1].

Corruption can be considered as a phenomenon that creates a problem of changing the normatively defined purpose of the state system of Ukraine – guaranteeing human rights and freedoms to antisocial – guaranteeing (providing) personal interests of corrupt officials.

As a result, there is also a problem of obstacles to the realization of the rights of citizens, which in the sense of the system approach and in fact repre-

sents a problem of failure to achieve the goal of the state system of Ukraine [2, p. 161-168].

In accordance with Part 5 of Article 8 of the UN Convention against Corruption, which states: «Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials» [3].

During the recent years, Ukraine has been actively passing legislative acts and strategies to counter corruption and ensure transparency and accountability. On October 14, 2014, the Parliament of Ukraine adopted the Law of Ukraine "On Corruption Prevention" [4] and on June 07, 2018, the Parliament" [5].

Elimination of gaps and contradictions that arise when engaging the public in the process of prevention of corruption can be used to improve existing legislation in this sphere of legal relations.

Although the Ukrainian authorities are ineffective in their fight against corruption, and society is pessimistic about the prospects of further actions, Ukraine's future, including its integration with the European Union and the proper functioning of the state, depends on its results.

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OVERHEATING – ITS HARMFUL EFFECT AND MEANS OF EFFICIENT PROTECTION

Meteorological conditions are the condition of air in the industrial area. The parameters which define the meteorological conditions are the following: relative humidity, indoor air temperature, air movement and thermal emission.

Human body works best when it has an internal “core” temperature of 37°C. 37°C might seem warm, but this is its internal temperature (not the air temperature). This temperature is necessary for vital organs to function normally. During a regular day, the body temperature may vary by about 1°C depending on the time of day, level of physical activity and emotional reactions.

The rise of air temperature from 20°C to 35°C causes employee work decrement by 50-60 %. Asdverse meteorological conditions may cause over-heating or supercooling of the body.

Heat stress is the overall heat load on the body, including environmental heat and inner body heat production due to working hard. Mild or moderate heat stress may be uncomfortable and may affect performance and safety, but it is not usually harmful to the health. When heat stress is more extreme, the possible health effects include:

Heat edema is swelling which generally occurs among people who are not acclimatized to working in hot conditions. Swelling is often most noticeable in the ankles.

Heat rashes are tiny red spots on the skin, which cause a prickling sensation. The spots are the result of inflammation caused when sweat glands become plugged.

Heat cramps are sharp pains in the muscles that may occur alone or be combined with one of the other heat stress disorders. The cause is salt imbalance resulting from the failure to replace salt lost with sweat. Cramps most often occur when people drink large amounts of water without sufficient salt (electrolyte) replacement.

Heat exhaustion is caused by excessive loss of water and salt. Symptoms include heavy sweating, weakness, dizziness, nausea, headache, diarrhea, muscle cramps, and more. Sweating in its turn cause immediate water metabolism diseases. With sweat Na, K, Ca are excluded. Lactic acid and urea levels increase in the blood.

Heat syncope is heat-induced giddiness and fainting induced by temporarily insufficient flow of blood to the brain while a person is standing. It occurs mostly among unacclimatized people. It is caused by the loss of body fluids through sweating, and by lowered blood pressure due to pooling of blood in the legs.

Heat stroke and hyperpyrexia (elevated body temperature) are the most serious types of heat illnesses. Signs of heat stroke include body temperature often greater than 41°C, and complete or partial loss of consciousness. Heat strokes are preceded by: headache, weakness, fatigue, suffocation, rambling speech, skin redness, palpitation, uncertain walking, excessive thirst, rise in body temperature and arterial pressure rise. The convulsions such as water-salt metabolism disease or water loss are caused by overheating as well.

In the worst situations the heat stroke and convulsions may cause a lethal outcome.

The signs of heat hyperpyrexia are similar except that the skin remains moist. Sweating is not a good symptom of heat stress as there are two types of heat stroke – "classical" where there is little or no sweating (usually occurs in children, persons who are chronically ill, and the elderly), and "exertional" where body temperature rises because of strenuous exercise or work and sweating is usually present.

The most important is the improvement of technical processes and useage of the modern equipment (removal of intensive heating). It is clear that the rational placement of equipment plays the main role in meteorological conditions at workplace. It is efficient to place sources of heat under ventilation skylight near walls, while it prevents the threat of thermal current crossing at the workplace.

Use of automation and remote control over technological processes allow the employees to leave the industrial zone where the threat of hash factors exists.

Rather efficient is rational heating, installation of ventilation and air-conditioning according to the accepted norms of occupational safety, such as application of air and water showers in hot workshops; at permanent workplaces it is rational to apply radiation heating. Not to ignor protection against draughtsthrough closing windows and doors, asa well as installation of air and air-thermal curtain on doors and gates.

Rationalization of work and rest regime should be arranges in rationalized way. It must take to the account the phpisiological peculiarities of workers and their needs to rest and to switch over. It can be realized with additional breaks and shift shortening.

Modern investigators came to the conlusion, that shields and equipment heat installation are rather efficient. In industrial zones shields which separate thermal radiation sources from workplaces are widely used.

The next types of shields are distinguished: collecting, reflecting, mixed, absorbing.

The use of individual protection means: overalls, efficiency suits, helmets, goggles.

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METHODS OF CROWD POLICING IN FOREIGN COUNTRIES

Collective violence is one of the most intractable problems of policing. Riots have played a role both in the creation of police forces and in their reform. For instance, frequent and serious rioting in Britain during the 18th century, such as the anti-Catholic Gordon riots of 1780, left a lasting impression on police reformers. The subsequent Peterloo Massacre of 1819, in which cavalry killed 11 protesters and injured several hundred, helped to spur the British government to create the London Metropolitan Police in 1829. Riots also had played a considerable part in the creation of the French police in 1666. By the

end of the 20th century, however, many police forces were coming under increasing criticism for their often brutal methods of controlling crowds.

Crowds that have the potential to become violent form for various reasons, including planned political protests; such crowds also may gather spontaneously. The nature of the mass event to be policed determines what kinds of police tactics may or may not succeed.

In democratic countries, political demonstrations have several common features. They generally are structured events, and the courses of marches often are predetermined and negotiated with the police. Political protests that occur in the context of international events—for example, political summits and meetings of global economic bodies such as the World Trade Organization—differ from national or local political protests in one respect that is important for policing: they bring together groups of protesters that may have different aims. Some groups simply may want their message to be heard; others may aim to disrupt the meeting as much as possible. Although the police may come to an understanding with some protesters, others may generate confrontations despite any attempts at negotiations. Thus, a great deal of collective violence may accompany meetings of international bodies, as was the case at the Asia-Pacific Economic Cooperation summit in Vancouver in 1997; the World Trade Organization meeting in Seattle in 1999; and the Summit of the Americas in Quebec, the European Union summit in Gothenburg (Sweden), and the Group of Eight (G-8) summit in Genoa (Italy) in 2001 [1, pp. 21-22].

Still, political protests and other events that are planned in advance tend to have less potential for violence than spontaneous gatherings. In many cases, riots occur against a backdrop of long-smoldering frustration and anger—e.g., over racial or ethnic discrimination—and are triggered by a single controversial event. Riots in Los Angeles in 1992, for example, were sparked by the acquittal of two police officers on charges stemming from their beating of an African American motorist, and in 2005 riots broke out in France (in large

suburbs mainly populated by immigrants) after two youths of North African origin were accidentally killed while allegedly running from police.

Four basic types of organization may police crowds: military forces, paramilitary forces, militarized police units, and unspecialized police forces. These organizations use primarily two strategies: escalated force and negotiated management.

In many countries, excepting Western-style democracies, the military, rather than the police, performs crowd control. There are many variants of this model, which differ primarily according to the level of force the military is willing to use. In some countries ruled by dictatorships, such as Iraq under Ṣaddām Ḥussein, the whole might of the army, including the air force, has been used to quash any kind of public demonstration against the regime. Other countries in Asia, Africa, and Central and South America also leave crowd control to the military, though limited resources may prevent the military from mobilizing sophisticated weapons or vast numbers of soldiers. Even in Western democratic countries, governments increasingly call on the military to police crowds, especially in disaster situations—such as the U.S. city of New Orleans following Hurricane Katrina in 2005—and in situations in which rioters are heavily armed [2, p.580].

In some countries, such as Germany, Italy, and France, paramilitary forces within the centralized police apparatus are charged with policing crowds. In France, for example, the State Security Police (a component of the National Police) specializes in order maintenance and crowd control. In democratic Anglo-Saxon countries, militarized police units, embedded within a police force and lacking institutional autonomy, are a common instrument of policing crowds; all large police forces in those countries have such units. Some of their members are officially assigned to other units (e.g., patrol) and are called upon only in cases of emergency. Militarized police units bear various names, such as special weapons and tactics teams (SWAT teams), but their methods of training and operation, as well as their equipment and firepower, are similar.

Small police forces cannot afford special units and have to police crowds on their own. In crisis situations they generally fare badly, as did the municipal forces in various parts of the United States during the 1960s and '70s when civil rights and Vietnam War protests were frequent.

The most ancient strategy of crowd control, escalated force (the use of increasing amounts of force until the crowd disperses), still prevails in most countries that have not adopted Western-style democracy. Even in democracies, however, escalated force was the traditional way of controlling crowds until the 1970s, when the strategy of negotiated management emerged. The success of the latter strategy depends on two key factors: the willingness of the police and the groups involved to negotiate control of the event and, more fundamentally, the availability of group representatives with whom to negotiate. Such people are easily found in cases of domestic political protests and labour unrest, which naturally involve political and union leaders. In the case of international protests, however, negotiating control requires the cooperation of all the groups involved. In general, the greater the perceived threat to the controlling party, the less inclined it will be to negotiate, particularly if the force that it can summon is overwhelming. Although many scholars of policing expected that the strategy of negotiated management would gradually supersede the strategy of escalation of force in Western-style democracies, their belief was belied by numerous violent confrontations between police and protesters at various international meetings held in democratic countries at the beginning of the 21st century [3, pp.48-49].

Meanwhile, a third strategy of crowd control, called command and control, emerged in the United States. Spearheaded by the New York City Police Department, the strategy was basically an updated version of the escalation of force paradigm, with advanced technological underpinnings. The strategy involves the fragmentation of crowds before they may become rioting mobs and the tight control by police of public spaces allocated to demonstrators. Police may install large concrete and metal barriers, thereby establishing zones where

protesters cannot congregate and organize. They also may disperse crowds with nonlethal weapons, some of which are based on sophisticated technology—for example, the Active Denial System (ADS), which projects a strong blast of heat into a crowd. In addition, police may use electronic surveillance to monitor a crowd's size and movements, and they may make preemptive arrests of protest leaders or potential troublemakers.

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ELECTRICAL ACCIDENTS AND PROTECTION AGAINST THEM

Electricity has become the main part of our modern world. It provides energy to many of the devices we use in every home today, for light, ventilation

and other useful devices, which help us to live without problem. Today it's hard to imagine our houses without electricity. Electricity is an important part of our homes and our tasks, but many of us are neglect safety rules. We don't even imagine how much this useful invention is life-threatening.

The voltage of the electricity and the in regular businesses or homes has enough power to cause death by electrocution. Even changing a light bulb without unplugging the lamp can be hazardous because coming in contact with the "hot", "energized" or "live" part of the socket could kill a person.

All electrical systems have the potential to cause harm. Electricity can be either "static" or "dynamic." Dynamic electricity is the uniform motion of electrons through a conductor (this is known as electric current). Conductors are materials that allow the movement of electricity through it. Most metals are conductors. The human body is also a conductor. Static electricity is accumulation of charge on surfaces as a result of contact and friction with another surface. This contact/friction causes an accumulation of electrons on one surface, and a deficiency of electrons on the other surface.

Electric current cannot exist without an unbroken path to and from the conductor. Electricity will form a "path" or "loop". When you plug in a device (e.g., a power tool), the electricity takes the easiest path from the plug-in, to the tool, and back to the power source. This is also known as creating or completing an electrical circuit.

Electrical accidents sometimes caused by the touch to the wires or parts which are not isolated, the voltage machine parts and installation which in normal mode of exploitation are not found under voltage. It takes place in that cases when the volcanic arc is formed between a man and current-carrying parts of installation. The minimum admissible distance between man and current-carrying parts is set to avoid such hazard. Sometimes electrical accidents are caused by wires' locking onto the ground. As the result the step voltage on a ground surface appears.

The lack of control over electric installations which are under voltage, erroneous personnel handling machines and other organizational reasons cause mentioned accidents. One should keep to the safe exploitation at the normal modes of operations and use the appropriate hardware among which are: isolation, blocking, barrier devices, low voltage, protective network distribution, placement of current-carrying parts on an unattainable height, potential equalization.

There are three types of the isolation of current-carrying elements of equipment: working, additional, double. Working isolation of current-carrying parts provide normal work of electrical installation and protection against electrical shock. Additional – is used in case of working isolation damage and set to it. Double in its turn consists of two mentioned types of isolation. The blocking devices and barriers are used for the contact breaking switching-off. Electric devices, tires, switchboards are placed into control cabinets installations, which are accessible only to the competent electrical engineering personnel. At a height not lower than 3,5 m above the floor the fenceless current-carrying parts of electrical equipment are placed. Electric partition of circuit into separate areas, which are unconnected electrically, is carried out with the help of a switch transformer. Under such circumstances the capacity resistance of electric wires in relation to ground is high in spite of the fact that the capacity of condenser is low due to the short length of circuit.

In case of a malfunction the next hardware of safe exploitation are used: protective ground connection, nullifying, protective switching off, system of protective facilities. Lessening of isolation resistance of phase in relation to the ground takes place at protective switch off, which automatically disconnects an electric installation.

To isolate person from the ground or from the parts of electrical equipment, which are found under voltage the isolation protective agents are used. Among them are: isolation and electrical-type instrument; voltage pointers; dielectric mittens, boats and rubbers; rubber carpets, paths, support; isolation

hubcaps and protective straps; isolation stairs. Protective belts, insure ropes, stairs, claws, gas-masks, mittens, overall are auxiliary protective agents, which are used for personnel protection from fall down, against thermal, mechanical or chemical influence.

There are some tips for working with power tools:

- Switch all tools OFF before connecting them to a power supply.
- Disconnect and lockout the power supply before completing any maintenance work tasks or making adjustments.
- Ensure tools are properly grounded or double-insulated. The grounded equipment must have an approved 3-wire cord with a 3-prong plug. This plug should be plugged in a properly grounded 3-pole outlet.
- Test all tools for effective grounding with a continuity tester or a Ground Fault Circuit Interrupter (GFCI) before use.
- Do not bypass the on/off switch and operate the tools by connecting and disconnecting the power cord.
- Do not use electrical equipment in wet conditions or damp locations unless the equipment is connected to a GFCI.
- Do not clean tools with flammable or toxic solvents.
- Do not operate tools in an area containing explosive vapours or gases, unless they are intrinsically safe and only if you follow the manufacturer's guidelines.

There are some tips for working with power cords:

- Keep power cords clear of tools during use.
- Suspend extension cords temporarily during use over aisles or work areas to eliminate stumbling or tripping hazards.
- Replace open front plugs with dead front plugs. Dead front plugs are sealed and present less danger of shock or short circuit.
- Do not use light duty extension cords in a non-residential situation.
- Do not carry or lift up electrical equipment by the power cord.

• Do not tie cords in tight knots. Knots can cause short circuits and shocks. Loop the cords or use a twist lock plug.

So, electricity is really vital invention of our humanity, but at the same time, it is an extremely dangerous thing, which can lead to death. However, you can prevent it if take simple precautions when working with or near electricity and electrical equipment to significantly reduce the risk of injury to you, your workers and others around you.

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CRIMINAL RESPONSIBILITY FOR VIOLATION OF LAWS AND WARNINGS IN CONNECTION WITH THE PROVISIONS OF INTERNATIONAL NORMATIVE LEGAL ACTS AND CRIMINAL CODE OF UKRAINE

The numerous attempts of the international community to prevent armed conflicts, wars and mass violations of human rights, international

offenses that lead to millions of innocent deaths, the extermination of entire nationalities and the destruction of mankind's cultural values have become widespread. The problem of effective counteraction to crimes against peace and security is relevant to today's international legal relations. One of the crimes against peace and security of mankind is the violation of the laws and customs of war. This offense affects the state of existence of the state, leveling the generally accepted principles of international public law. Violations of the laws and customs of war are defined in the norms of international treaties, as well as in the norms of the national law of the states that have ratified these international treaties. The prosecution for this crime is nothing more than a means of forcing the state to obey the rules of the introduction of war.

Such prominent scholars as V.A. Bugaev, P. Malanchuk, V.P.Pilipenko, M.M. addressed the problematic issues of responsibility for war crimes. Senko et al. It is worth noting that the scholars of international public law are given very little attention, although international experience shows that imperfections in the peacetime of vioen laws always lead to terrible consequences.

The provision of Article 433 of the Criminal Code of Ukraine (hereinafter referred to as the Criminal Code of Ukraine) provides for prosecution of violations of the laws and customs of war, which occurs for the ill-treatment of prisoners of war or civilians, the expulsion of civilians for forced labor, the plundering of national values in the occupied territory, the use of means of warfare prohibited by international law, other violations of the laws and practices of war provided for by international treaties, the consent to be bound by the Verkhovna Rada By the Council of Ukraine, as well as the issuance of an order for the instruction of such actions [3, p. 18-19]. Because the disposition of this article is banal in nature and sends us to other regulations, such as the Hague ratified by Ukraine and the Geneva Convention, this significantly complicates the process of interpreting and applying the provisions of this article in practice.

In order to interpret the provisions of Art. 438 of the Criminal Code of Ukraine it is necessary to apply to a number of conventions that form the basis of the Hague and Geneva law, and also one should not forget about the Rome Statute of the International Criminal Court of 1998. It is the International Criminal Court that seeks to destroy the system of special tribunals established to investigate events in the former Yugoslavia and genocide in Rwanda.

Jurisdiction of the International Criminal Court covers such crimes as war crimes, genocide, crimes against humanity, aggression [4, p.13-14]. Thus, in accordance with Article 8 of the Statute of the International Criminal Court, four categories of war crimes were distinguished, namely: serious violations of the Geneva Conventions of 1949, serious violations of the laws and practices used in international armed conflicts, the determination of which based on international sources such as the Additional Protocol I 1977, the Hague Regulation on the laws and customs of the 1907 land war, the Hague Declaration on balloons that are easily deployed and flattened in 1899, the Geneva Protocol on the Use of Gases in 1925, se serious violations of Article 3, which is coherent with the Geneva Conventions, applicable in armed conflicts that are not international in nature, as well as serious violations of the laws and practices applicable in non-international armed conflicts, the definitions of which are based on the Addendum Protocol and the Hague position.

The Statute of the International Criminal Court came into force on July 1, 2002. To date, the Charter has been signed by 139 states and ratified by 109 states. But signatures under the Treaty on the Establishment of the Court were withdrawn by the United States and Israel who are afraid of persecuting their soldiers because of their participation in international conflicts. Two other members of the UN Security Council - Russia and China - also refrained from participating in the work of the Court.

Ukraine signed the Rome Statute on January 20, 2000, and this is by no means the first state in which complexity has emerged in harmonizing constitutional provisions with the text of the Rome Statute of the International

Criminal Court. As a rule, the issues that caused such discrepancies were extradition, life imprisonment, and immunity. Different states have adopted different approaches in the event of such contradictions. The guarantee is always the only approach through the implementation of the norms of the Rome Statute to the norms of the national legislation, when such an interpretation is used that balances possible divergences. However, it is not always possible. For example, the Constitution of Costa Rica provides that no one of its citizens can be compelled to leave the country. The Constitution of El Salvador prohibits "any life sentence". The Rome Statute provides for the possibility of life imprisonment in cases where this is justified by the gravity of the crime, and so on [2, p.190]. One of the ways of solving this problem is the application of the provisions of the Law of Ukraine on international treaties, according to which, in the event of inconsistencies between the provisions of the current legislation of Ukraine and the provisions of international treaties or regulations, in the event of ratification by Ukraine of international treaties and normative legal acts, there is a need for changes to the legislation of Ukraine in order to "harmonize" the provisions of the law, but in fact it serves as a confirmation of the theory of "primacy of international law over the law for the time being the state ". This in turn serves as a confirmation of the position that, for the objective application of the provisions of the Criminal Code of Ukraine in the area of criminal liability for violating the laws and customs of war, the rules of the Hague and Geneva law, as well as the clarifications of the International Criminal Court in the area of responsibility for war crimes, should be guided , and only then by the provisions of the current legislation and this position will be relevant until the process of harmonization of the provisions of the current legislation of Ukraine in the area of responsibility for H crimes and provisions of International Law [1, p.5].

The ratification by Ukraine of the Statute of the International Criminal Court brings it closer to the standards of the United Nations, the Council of Europe and the European Community on the rule of law and respect for human

rights. In addition, for our country there is no protection in the International Criminal Court for the interests of Ukrainian peacekeepers, which in turn may be the subject for further research in this field. Reforming legislation is a rather and troublesome process, but it should be remembered that taking into account the geopolitical situation that has developed in our state, taking effective measures to ensure the rights and legitimate interests of individuals involved in the Operation of the Joint Forces and the civilian population should be carried out already today.

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СЕКЦІЯ НІМЕЦЬКОЇ МОВИ

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MÖGLICHE WEGE DER VERBRECHENSPRÄVENTION IM BEREICH DER MENSCHENHANDEL

Rund 2,5 Millionen Kinder, Frauen und Männer werden laut Schätzungen der Internationalen Arbeitsorganisation jährlich Opfer von Menschenhandel. Menschen werden dabei mit falschen Versprechungen und Täuschungen, durch die Androhung bzw. Anwendung von Gewalt oder den Missbrauch von Macht verkauft oder verschleppt, um beispielsweise sexuell oder durch Zwangsarbeit ausgebeutet zu werden. Menschenhandel stellt damit eine moderne Form von Sklaverei dar und ist laut UNO die drittgrößte und am schnellsten anwachsende Form organisierter Kriminalität. Menschenhandel betrifft nicht nur die ärmsten Länder, sondern existiert auf der ganzen Welt – ob als Ursprungs-, Transit- oder Zielland. Was ist Menschenhandel? Die wesentlichen Elemente von Menschenhandel sind: die Verbringung bzw. Verschleppung einer Person aus ihrer vertrauten Umgebung unter der Zuhilfenahme von Betrug, Täuschung oder unter Zwang in eine Situation von Zwangsarbeit, Knechtschaft oder sklavenähnliche Verhältnisse. Nur wenn alle drei Merkmale zutreffen, fällt dies unter die Definition von Menschenhandel.

Artikel 3 des UN-Protokolls zur Verhütung, Unterdrückung und Bestrafung des Menschenhandels, insbesondere des Frauen- und Kinderhandels, in Ergänzung des Übereinkommens gegen die grenzüberschreitende organisierte

Kriminalität definiert Menschenhandel als: die Anwerbung, Beförderung, Verbringung, Beherbergung oder den Empfang von Personen durch die Androhung oder Anwendung von Gewalt oder anderen Formen der Nötigung, durch Entführung, Betrug, Täuschung, Missbrauch von Macht oder Ausnutzung besonderer Hilflosigkeit oder durch Gewährung oder Entgegennahme von Zahlungen oder Vorteilen zur Erlangung des Einverständnisses einer Person, die Gewalt über eine andere Person hat, zum Zweck der Ausbeutung. Ausbeutung umfasst mindestens die Ausnutzung der Prostitution anderer oder andere Formen sexueller Ausbeutung, Zwangsarbeit oder Zwangsdienstbarkeit, Sklaverei, Leibeigenschaft oder die Entnahme von Körperorganen." [1]

Nachdem Menschenhändler organisiert und international operieren, braucht es auch ein gemeinsames, internationales und koordiniertes Vorgehen sowie dessen konsequente Umsetzung in die nationale Gesetzgebung. Wichtig ist darüber hinaus die Aufklärung von Eltern, migrationswilligen Personen und der Öffentlichkeit über die Existenz von Menschenhandel und die Vorgehensweise der Händler. Schließlich kann die Bekämpfung der zugrundeliegenden Ursachen dazu beitragen, Menschenhandel vorzubeugen. Die unabhängige Expertengruppe GRETA (Group of Experts on Action against Trafficking in Human Beings) überwacht die Umsetzung der Konvention des Europarats zur Bekämpfung des Menschenhandels, welche am 1. Februar 2008 in Kraft getreten ist und seither von 40 Mitgliedstaaten des Europarats ratifiziert wurde. Die Konvention verfolgt einen Ansatz auf Grundlage der Menschenrechte und umfasst drei wesentliche Bereiche: (1) Prävention von Menschenhandel, (2) Schutz der Opfer und Sicherung ihrer Rechte, (3) Strafverfolgung. GRETA veröffentlicht regelmäßig Staaten-Berichte und gibt Empfehlungen ab, welche Maßnahmen die Unterzeichner-Staaten im Kampf gegen Menschenhandel treffen bzw. welche Verbesserungen sie vornehmen sollen. Exemplarisch werden an dieser Stelle zwei wichtige Institutionen, welche sich im Kampf gegen Menschenhandel engagieren, vorgestellt. [2]

Die europäische und internationale Rechtssetzung hat im Laufe der vergangenen Jahre verschiedene Instrumente zur Bekämpfung des Menschenhandels und dem Schutz der Betroffenen entwickelt. Die UNO hat Menschenhandel erstmals 2000 in dem sogenannten Palermo-Protokoll [3] international einheitlich definiert. Das Protokoll wurde im Kontext von Verbrechensbekämpfung und Strafjustiz entwickelt. Es enthält daher nur wenige Bestimmungen zum Opferschutz. Angesichts dieser Schwächen hat der Europarat die Konvention zur Bekämpfung des Menschenhandels [4] aufgelegt, die am 1. Februar 2008 in Kraft getreten ist. Sie stellt die Bekämpfung von Menschenhandel ausdrücklich in einen menschenrechtlichen Kontext und verpflichtet die Staaten, die Betroffenen zu schützen, über ihre Rechte zu informieren und bei deren Durchsetzung zu stärken. Deutschland hat die Konvention am 19. Dezember 2012 ratifiziert. Auch die EU hat ihre Rechtssetzung im Bereich Menschenhandel weiterentwickelt und einen alten Rahmenbeschluss aus 2002 durch eine Richtlinie gegen Menschenhandel [5] ersetzt, die unter anderem erweiterte Vorschriften zum Opferschutz enthält. Die Umsetzungsfrist läuft am 6. April 2013 ab.

Auch die Rechtsprechung auf der Ebene des Europarates hat sich in den vergangenen Jahren verstärkt mit Menschenhandel befasst. Der Europäische Gerichtshof für Menschenrechte hat die in Artikel 4 der EMRK geschützten Verbote der Sklaverei, Leibeigenschaft und der Zwangsarbeit in den vergangenen Jahren ausgelegt und in einem Sinne weiterentwickelt, der die tatsächliche Entwicklung des Phänomens widerspiegelt. Der Gerichtshof geht davon aus, dass modernen Formen der Sklaverei nicht mehr – wie im klassischen Konzept der Sklaverei – das Eigentumskonstrukt zugrunde liegt. Trotzdem können die Handlungen, die damit typischerweise zusammenhängen, dieselben Auswirkungen haben: Kontrolle, Zwang, Gewalt und Bedrohung führen zu einer faktischen Verfügungsgewalt über eine andere Person, die in ihren Auswirkungen einer rechtlichen Verfügungsgewalt gleich steht. Darüber hinaus hat der EGMR

Menschenhandel ausdrücklich in den Schutzbereich von Artikel 4 EMRK miteinbezogen und damit in eine Reihe mit Sklaverei und Zwangsarbeit gestellt.

2005 wurde in Deutschland der Straftatbestand des Menschenhandels zur Arbeitsausbeutung eingeführt. Die darüber seit Jahren anhaltende politische Debatte hat dazu beigetragen, dass die Arbeitsausbeutung von Migranten in den Sektoren außerhalb der Prostitution sowohl stark in den Fokus der medialen Darstellung gerückt ist als auch auf fachlicher Ebene intensiv geführt wird. Gewerkschaften werden zunehmend in dem Bereich aktiv. Im Zentrum der Beratungsarbeit steht die Durchsetzung der Arbeits- und Sozialrechte der Betroffenen. Leider ist es bisher nicht gelungen, diesen Rechteansatz in den Diskurs über den Menschenhandel zur sexuellen Ausbeutung zu überführen. Die Durchsetzung der Rechte der Frauen, wie zum Beispiel Schadenersatz, steht nach wie vor im Schatten der Diskussion über die Strafverfolgung der Täter.

Immer wieder wird auch die Einführung des Prostitutionsgesetzes 2002 in den Zusammenhang gebracht mit Entwicklungen im Bereich Menschenhandel. Vereinzelte Stimmen gehen davon aus, dass das Prostitutionsgesetz Behörden in ihren Möglichkeiten zur Strafverfolgung von Menschenhandel eingeschränkt hat. Forschung sowie die Gewerkschaft der Polizei sehen hier keinen maßgeblichen Zusammenhang. Vielmehr betrachten sie die weitere Verrechtlichung des Arbeitsfelds als einen sinnvollen Ansatz in der Bekämpfung von Menschenhandel in der Prostitution. [7]

Nachdem die Bundesregierung die Europaratskonvention gegen Menschenhandel ratifiziert hat, ohne die Opferrechte zu stärken, bietet die aktuell zur Umsetzung anstehende EU-Richtlinie gegen Menschenhandel einen neuen Anlass, die rechtliche Situation der Betroffenen von Menschenhandel in Deutschland zu verbessern. Damit sowohl staatliche Akteure wie auch das zivilgesellschaftliche Unterstützungssystem Betroffene von Menschenhandel zur sexuellen Ausbeutung konsequent als Rechtsträgerinnen adressieren können, braucht es auf mehreren Ebenen eine grundlegende Abkehr vom bisherigen Ansatz. Opferrechte müssen unabhängig von der Kooperation der Betroffenen

in einem Strafverfahren gegen die Täter gewährt werden. Dann können Frauen, die in Deutschland Opfer von Menschenhandel werden, in jedem Fall psychosoziale und rechtliche Unterstützung bekommen und zumindest so lange in Deutschland bleiben, bis sie ihre Rechtsansprüche durchgesetzt haben. Einen vergleichbaren Ansatz gibt es bereits seit 1998 in Italien. In letzter Konsequenz muss sichergestellt werden, dass Betroffene von Menschenhandel regelmäßig entschädigt werden. So könnten sie zum Beispiel im derzeitigen Reformprozess des Opferentschädigungsgesetzes (OEG) als anspruchsberechtigte Gruppe in das Gesetz integriert werden.

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1. www.tdh.de/was-wir-tun/themen-a-z/kinderhandel.html

2. Bundeskriminalamt, Menschenhandel. Bundeslagebild, Wiesbaden 2011, S. 12.

3. Zusatzprotokoll zur Verhütung, Bekämpfung und Bestrafung des Menschenhandels, insbesondere des Frauen- und Kinderhandels, zum Übereinkommen der Vereinten Nationen gegen die grenzüberschreitende organisierte Kriminalität.

4. Übereinkommen des Europarats zur Bekämpfung des Menschenhandels, Warschau, 16. Mai 2005.

5. Richtlinie 2011/36/EU des europäischen Parlaments und des Rates vom 5. April 2011 zur Verhütung und Bekämpfung des Menschenhandels und zum Schutz seiner Opfer sowie zur Ersetzung des Rahmenbeschlusses 2002/629/JI des Rates.

6. Heike Rabe/Barbara Kavemann, Vertiefung spezifischer Fragestellungen zu den Auswirkungen des Prostitutionsgesetzes: Kriminalitätsbekämpfung und Prostitutionsgesetz 2007, hrsg. vom Bundesministerium für Familie, Senioren, Frauen und Jugend (BMFSFJ), Berlin 2007.

7. Gewerkschaft der Polizei, Handeln gegen Menschenhandel – veränderte Bedingungen – aktuelle Herausforderungen, Berlin 2008, S. 2.

8. Heike Rabe, Entschädigung und Entlohnung für Betroffene von Menschenhandel in Deutschland, in: P. Follmar-Otto/dies. (Anm. 1), S. 87.

9. Bundeskriminalamt, Menschenhandel. Bundeslagebilder 2002–2011, Wiesbaden 2011.

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MODERNE POLIZEI: DIE ROLLE UND DAS SELBSTERSTÄNDNIS

Die Polizei ist ein zentrales Element der Staatlichkeit. Sie ist ein wesentlicher Träger des staatlichen Gewaltmonopols. Polizeiliches Handeln ist immer auch Handeln in der Gesellschaft und für die Gesellschaft [1].

Die Polizei ist wesentlicher Garant für die Innere Sicherheit und unterliegt als Trägerin des Gewaltmonopols einer umfassenden öffentlichen Kontrolle. Ihre Aufgaben und Kompetenzen sind gesetzlich geregelt. Trotzdem setzt sie sich intensiv mit ihrem Rollen- und Selbstverständnis auseinander.

Das ist notwendig und wichtig, weil viele Menschen in der Polizei beschäftigt sind. Sie alle haben ihre persönlichen Wertvorstellungen und ein eigenes Selbstverständnis. Diese Menschen übernehmen mit dem Eintritt in die Polizei nicht "automatisch" die Werte und Ziele, für die die Polizei nach außen und innen steht. Deshalb müssen die Rolle und das Selbstverständnis der Polizei vermittelt werden. Das gibt den Beschäftigten Sicherheit und Orientierung für ihr Verhalten gegenüber der Bevölkerung sowie in der Zusammenarbeit untereinander.

Recht und Gesetz sind prägend für die Rolle und das Selbstverständnis der Polizei: Sie achtet die Menschenwürde, sie schützt den Bestand des Staates

und seine Funktionsfähigkeit und die Grundrechte der Einzelnen. Die Polizei orientiert sich am Sicherheitsgefühl und den Erwartungen der Bürgerinnen und Bürger. Sie weiß, dass Sicherheitsprobleme oft nur gemeinsam mit ihnen gelöst werden können.

Zwei Beispiele für das Selbstverständnis: Bei einer Demonstration verhält sich die Polizei thematisch neutral. Sie hat den Auftrag, den friedlichen Verlauf zu sichern. Veranstalter und Teilnehmer sollen ihre Anliegen ungestört vertreten können. Gegendemonstrationen sollen ohne Konfrontation verlaufen und die Bevölkerung möglichst wenig gestört werden. Deshalb informiert die Polizei die Öffentlichkeit und stimmt sich bestmöglich mit den Veranstaltern ab. Das Vorgehen der Polizei wird dadurch nachvollziehbar und trägt dazu bei, Rechtsverstöße schon im Vorfeld zu verhindern. Kommt es dennoch zu Straftaten, geht die Polizei konsequent dagegen vor [2].

Örtliche Sicherheitsprobleme können oft nur gelöst werden, wenn verschiedene Institutionen eng zusammen arbeiten. Dabei übernimmt die Polizei einen aktiven Teil. Das zeigt sich im Zusammenhang mit Kriminalpräventiven Räten und Ordnungspartnerschaften in den Städten und Gemeinden. Hier führt sie vielfach die Verantwortungsträger aus Politik, Wirtschaft und Verwaltung in gemeinsamen Gremien zusammen und wirkt selbst an der Lösung mit.

Die Rolle und das nach außen gerichtete Selbstverständnis müssen sich auch im Innenverhältnis bewähren. Offener, vertrauensvoller und verlässlicher Umgang untereinander ist Grundlage für eine erfolgreiche Teamarbeit. Das kann im Einzelfall lebenswichtig sein, denn man muss sich in kritischen Einsätzen aufeinander verlassen können [2].

Veränderungen in der Gesellschaft und neue Anforderungen führen regelmäßig dazu, die Rolle und das Selbstverständnis der Polizei zu überdenken und anzupassen. Die Polizei braucht immer die Unterstützung der Gesellschaft.

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1. Bernhard Frevel Polizei in Staat und Gesellschaft. - https://kssd.ch/de/Info/Urbaner_Sicherheitskongress/2018%BB_Migration%BB_Gesellschaft_und_Polizei_im_Wandel

2. Innere Sicherheit. Aufgaben der Polizei. - https://polizei.nrw/artikel/rolle-und-selbstverstaendnis

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INTERNATIONALE POLIZEIMISSIONEN DER BRD (MÖGLICHE ANWENDUNGSPERSPEKTIVE IM OSTEN DER UKRAINE)

Seit 1989 nehmen deutsche Polizeivollzugsbeamtinnen und -beamte des Bundes an friedenssichernden und friedenserhaltenden Einsätzen zwischen- und überstaatlicher Mandatgeber in verschiedenen Krisengebieten der Welt teil. Seit 1994 erfolgt die Beteiligung an mandatierten Friedensmissionen und bilateralen Polizeiprojekten gemeinsam durch die Polizeien des Bundes, der Länder und der Bundeszollverwaltung im Rahmen der Arbeitsgruppe „Internationale Polizeimissionen“ (AG IPM) der Ständigen Konferenz der Innenminister und -senatoren der Länder (IMK). Mandatgeber waren oder sind gegenwärtig: • die Vereinten Nationen (VN), • die Europäische Union (EU) sowie • die Organisation für Sicherheit und Zusammenarbeit in Europa (OSZE). Internationale Polizeimissionen leisten in fragilen Staaten und Krisenregionen einen Beitrag zum Aufbau einer funktionsfähigen und nach rechtstaatlichen Grundsätzen handelnden Polizei. Sie sind regelmäßig Teil eines umfassenden Auf- oder Um-

baus der staatlichen Sicherheitsorganisationen des Gastlandes („Sicherheitssektorreform“).

Der Einsatz bewaffneter Streitkräfte bleibt häufig unverzichtbar, sollte aber im Sinne des vernetzten Ansatzes mit zivilen und polizeilichen Instrumenten abgestimmt und verzahnt werden. Auf diese Weise entfalten Polizeimissionen Wirkung und Nachhaltigkeit. Mandatierte Friedensmissionen und bilaterale Polizeiprojekte finden zunehmend in Herkunfts- und Transitstaaten irregulärer Migration statt. Die Beteiligung mit deutschen Polizeibeamten stellt einen aktiven und nachhaltigen Beitrag zur Reduzierung von Fluchtursachen und damit auch des Migrationsdrucks dar. Gradmesser für die Zielerreichung einer Mission sind funktionsfähige Sicherheitsstrukturen im Missionsgebiet. Das sind Voraussetzung für anhaltenden Frieden und nachhaltige gesellschaftliche und wirtschaftliche Entwicklung, • bekämpfen transnationale organisierte Kriminalität und Terrorismus, • schützen Menschen vor Ausbeutung und Gewalt, • schaffen Vertrauen in den Staat und seine Sicherheitsbehörden, • reduzieren Migrationsströme und dienen damit auch der Sicherheit in Deutschland. Den internationalen Polizeikontingenten kommt dabei insbesondere die Aufgabe zu, das Vertrauen der Bevölkerung in die Polizei als Garant für die öffentliche Sicherheit zu gewinnen. Ob und in wieweit über beobachtende und beratende Funktionen hinaus auch exekutive Aufgaben wahrgenommen werden und Polizeibeamte im Einsatz bewaffnet sind, wird durch die Mandatgeber für jede Mission fortlaufend geprüft und festgelegt.

Die Anwendungsbereich der Leitlinien finden Anwendung auf Einsätze von Beamtinnen und Beamten sowie Tarifbeschäftigten des Bundes und der Länder in mandatierten Friedensmissionen und auch in bilateralen Polizeiprojekten, soweit diese im Rahmen der AG IPM durchgeführt werden, sowie die damit verbundene Vor- und Nachbereitung. Sie tragen zur Gewährleistung einheitlicher Rahmenbedingungen und Standards für Beamtinnen und Beamte aller Entsender bei. Sofern z.B. auf Grund der föderalen Struktur Deutschlands im Einzelfall Abweichungen erkannt werden, stellt die GSt. AG IPM den Entsen-

dern auf Anforderung der AG bei Bedarf jeweils Details zu solchen Abweichungen zur Verfügung.

Den rechtlichen Rahmen für Missionen der Vereinte Nationen (VN) bilden das allgemeine Völkerrecht und die Charta der Vereinten Nationen (VN Charta), deren Konkretisierung auf den 1 Im dienstrechtlichen Sinne erfolgen die Einsätze der Beamtinnen und Beamten im Rahmen von Zuweisungen. Der Terminus „Entsendung" wird in der Praxis jedoch in diesem Sinne verwendet, wenn der jeweilige Einzelfall durch ein verbindliches Mandat des Sicherheitsrates der VN erfolgt. Das Instrumentarium der VN reicht von der Konfliktprävention und -mediation über friedenserhaltende Maßnahmen („Peacekeeping") bis zur Friedenserzwingung, von der Friedensschaffung durch direkte Einwirkung auf die Konfliktparteien bis zur Friedenskonsolidierung nach dem Ende eines bewaffneten Konflikts. Allen Instrumenten gemeinsam ist die Komplexität des Einsatzes. Die VN-Charta unterscheidet • Einsätze nach Kapitel VI der VN-Charta (friedliche Beilegung von Streitigkeiten) • Einsätze nach Kapitel VII der VN-Charta (Maßnahmen bei Bedrohung oder Bruch des Friedens und bei Angriffshandlungen).

Die Europäische Union (EU) verfügt über eine Gemeinsame Sicherheits- und Verteidigungspolitik (GSVP) mit zivilen und militärischen Krisenmanagementfähigkeiten. Im Bereich des zivilen Einsatzes (Artikel 42 und 43 des Vertrages über die Europäische Union, EUV) umfassen diese: • humanitäre Aufgaben und Rettungseinsätze, • Aufgaben der Konfliktverhütung, • Erhaltung des Friedens, • Krisenbewältigung einschließlich Frieden schaffender Maßnahmen und Operationen zur Stabilisierung der Lage nach Konflikten. Die EU-Mitgliedstaaten haben für Einsätze im Rahmen des Zivilen Krisenmanagements (ZKM) bis zu 5.000 Polizistinnen und Polizisten, wovon 1.000 innerhalb von 30 Tagen einsetzbar sein sollen (Rapid Deployment), gemeldet. Dies schließt auch EU-Beiträge zu Missionen anderer internationaler Mandatgeber (z.B. VN, OSZE) ein. [1] Deutschland hat die anteilmäßige Bereitstellung von bis zu 910 PVB zugesagt. [2] Zivile GSVP-Missionen können je nach Mandat insbesondere wie

folgt durchgeführt werden: • Substitution Mission (Mission als Ersatz für die lokalen Polizeikräfte) – eine Mission, die aufgrund eines fehlenden lokalen legitimen Gewaltmonopols ein Mandat mit exekutiven Befugnissen erfordert. Bei gleichzeitigem Aufbau einer lokalen Polizei geht sie dann zwingend in eine „Strengthening of Local Police Mission" über. • Strengthening of Local Police Mission (Mission zur Stärkung der lokalen Polizeikräfte) – eine Mission, die durch Beobachtung, Beratung und Training der lokalen Polizei ohne Exekutivaufgaben geprägt ist. Diese Missionsart kann auch ohne vorhergehende „Substitution Mission" stattfinden. • Monitoring Mission ist eine Mission, welche die Einhaltung von Vereinbarungen zwischen Konfliktparteien beobachtet.

Bedingt durch zahlreiche innerstaatliche und interethnische Konflikte nimmt die Organisation für Sicherheit und Zusammenarbeit in Europa (OSZE) die Aufgaben im Bereich der Frühwarnung, Konfliktverhütung und Konfliktnachsorge wahr. Dafür hat die OSZE ein spezifisches Instrumentarium geschaffen. Mandat, Art und Größe der Mission sind sehr variabel und flexibel auf das jeweilige politische Ziel ausgerichtet. Im Einzelfall kommt auch eine Unterstützung internationaler Organisationen und Agenturen außerhalb von Missionen in Betracht (z.B. Beteiligung an FRONTEX-koordinierten Einsätzen an den EU-Außengrenzen). Solche Einsätze richten sich grundsätzlich nach den Regelungen der jeweiligen einsatzführenden Organisation. Die Leitlinien finden in diesen Fällen entsprechende Anwendung, soweit sie mit den Regelungen der einsatzführenden Organisation und der für den Einsatz zuständigen deutschen Behörde vereinbar sind. Die AG IPM kann zusätzliche oder von diesen Leitlinien abweichende Regelungen treffen.

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1. Schlussfolgerungen des Europäischen Rates vom 19. und 20. Juni 2000, Ziffer C., Nummer 11.

2. Besprechung der Bundeskanzlerin mit den Regierungschefs der Länder am 12. Juni 2008 in Berlin TOP 5 – Verteilungsschlüssel bei internationalen Polizeimissionen sowie TOP 28 Verteilungsschlüssel bei internationalen Poli-

zeimissionen (EUPOL Afghanistan, EULEX Kosovo sowie anderen) Innenministerkonferenz am 17./18. April 2008 in Bad Saarow.

3. https://www.bundespolizei.de/Web/DE/03

4. https://www.bmi.bund.de/DE/themen/sicherheit/nationale-und-internationale-zusammenarbeit/internationale-polizeimissionen/internationale-polizeimissionen-node.html

СЕКЦІЯ ФРАНЦУЗЬКОЇ МОВИ

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MYTHES ET REALITE DU TCHORNOBYL

« Le 26 avril 1986, à 1 h 23 min 40 s, le réacteur n° 4 de la centrale nucléaire explose. » Une précision acérée, qui donne à cet événement impensable l'épaisseur d'une déflagration irréversible, et inaltérable. Bombe nucléaire subreptice, Tchernobyl symbolise pour toujours la puissance maléfique de l'atome, rejoignant, par cette tragédie civile, la monstrueuse expérience militaire d'Hiroshima.

L'accident survenu à la centrale nucléaire de Tchernobyl est l'une des plus grandes catastrophes anthropiques dans l'histoire humaine. Il a causé beaucoup de pertes dans les différents domaines de la vie. L'accident de la centrale nucléaire de Tchernobyl reste le plus grave dans l'histoire de cette industrie électrogène. Sa gravité était telle qu'il a fallu ajouter un degré sur l'échelle internationale classant incidents et accidents dans ce domaine. Avant

Tchernobyl, l'échelle possédait 6 degrés (sur le 6è se trouvait un seul accident, déjà en ex-URSS, à l'usine de retraitement de Kyhstym en 1957) ; après celui-ci, l'importance des rejets hors du site et les effets étendus sur l'Homme et l'environnement ont conduit à l'établissement d'un 7è échelon.

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

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

Le rapport de l'ONU (600 pages !) s'appuie en revanche sur une centaine de communications émanant d'économistes et de spécialistes de la santé, toutes personnalités reconnues sur le plan international. Ces études, menées pendant près de 20 ans, indiquent que, « fin juin 2005, moins de 50 décès peuvent être directement attribués à cette catastrophe. Pratiquement tous étaient des membres des équipes de sauvetages, exposé à des doses très élevées et morts dans les mois qui ont suivi l'accident. D'autres ont survécu jusqu'en 2004. Sur les 4 000 patients atteints d'un cancer de la thyroïde, imputable à la contamination résultant de l'accident, tous ont guéri à l'exception de 9 qui sont décédés ». 9 décès (même 1 seul décès) c'est terrible quand on songe aux familles qui sont touchées mais ces chiffres n'ont rien à voir – heureusement – avec ce que l'on a entendu. Le rapport précise également «qu'aucune indication d'une quelconque augmentation de l'incidence de leucémie ou de cancer chez les habitants affectés par Tchernobyl (on estime à 5 millions le nombre de personnes résidant actuellement dans des zones contaminées à la suite de l'accident) ». Contrairement à ce qui a été dit « aucune indication d'une augmentation de malformation congénitales pouvant être attribuées à une radio-exposition n'a pu être établie ».

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

Si l'on considère l'ensemble des décès attribuables à terme, au total, des suites d'une radio-exposition consécutive à l'accident de Tchernobyl, le rapport donne le chiffre de 4 000 au maximum. Là encore, ce nombre de morts annoncées est très important, mais n'a rien à voir avec ce que l'on entendu. Sur un autre plan il est loin d'autres chiffres, plus conséquents mais nullement médiatisés concernant d'autres accidents (on l'a vu avec Bhopal ; un seul autre exemple : 6 000 mineurs meurent chaque année dans des mines chinoises). Comparaison ne vaut pas mais il est toutefois bon de posséder quelques repaires.

Qui croire ? C'est la question que se pose toujours le non-spécialiste, qui sera tout aussi surpris si on lui dit que, sur les 285 000 survivants aux explosions d'Hiroshima et Nagasaki, l'excès du nombre de morts par cancer au total sera de l'ordre de 400 ! C'est énorme mais loin des chiffres lancés entendus ici et là et qui sont entrés maintenant dans notre mémoire.

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

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

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

TCHERNOBYL SYMBOLISE POUR TOUJOURS LA PUISSANCE MALEFIQUE DE L'ATOME, REJOIGNANT, PAR CETTE TRAGEDIE CIVILE, LA MONSTRUEUSE EXPERIENCE MILITAIRE D'HIROSHIMA.

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1. Éducation Nationale [Електронний ресурс]. – Режим доступу http://ua-travelling.com/fr/article/chernobyl Заголовок з екрану.2013.

2. Tchernobyl : la situation 29 ans après [Електронний ресурс]. – Режим доступу http://www.sortirdunucleaire.org/Tchernobyl-Fernex. Заголовок з екрану. 2015.

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L'ADMINISTRATION PENITENTIAIRE EN FRANCE

L'administration pénitentiaire prend en charge les personnes placées sous main de justice. Les mesures prononcées à leur égard interviennent avant ou après jugement et sont exécutées soit en milieu fermé, dans les prisons, soit en milieu ouvert, avec ou sans enfermement préalable. En milieu ouvert, dans le cadre de mesures non privatives de liberté tels le contrôle judiciaire, le sursis avec mise à l'épreuve ou le travail d'intérêt général, les personnes sont suivies et contrôlées par des services pénitentiaires d'insertion et de probation sur saisine des autorités judiciaries[1,p.5]. En milieu fermé, il s'agit de prévenus, en attente de jugement, ou de condamnés, soumis à une peine privative de liberté.

Les règles pénitentiaires européennes, adoptées par la France et l'ensemble des États membres du Conseil de l'Europe en janvier 2006, constituent un cadre éthique et une charte d'action pour l'administration pénitentiaire. Plus nombreuses et plus exhaustives que celles adoptées en 1987, elles rappellent des principes fondamentaux et des recommandations pratiques concernant: les conditions de détention, la santé et l'accès aux soins, le bon ordre, le personnel pénitentiaire, les inspections et contrôles et le régime

de détention des prévenus et des condamnés[1.,p.25]. Ces règles engagent les 46 pays signataires à harmoniser leurs politiques pénitentiaires et à les mettre en œuvre «dans la mesure du possible». En 2007, les personnels pénitentiaires apprécient la conformité de leurs pratiques professionnelles avec les règles pénitentiaires européennes via la création d'un référentiel et l'expérimentation de 8 règles spécifiques à l'accueil et l'orientation des personnes condamnées[1.,p.40].

L'administration pénitentiaire, troisième force de sécurité publique avec la police et la gendarmerie, assure : - la sécurité de la société en surveillant les personnes qui lui sont confiées mais aussi par son rôle dans la lutte contre la récidive; - la sécurité des personnes qui lui sont confiées en veillant au respect des détenus et à l'application des règles de detention[2.,p.46].

Sur les quelque 200 000 personnes placées sous main de justice, plus des deux tiers sont suivies en milieu ouvert. Les mesures alternatives à l'incarcération répondent à une démarche axée sur la responsabilisation du délinquant. Les personnes faisant l'objet de ces mesures (sursis avec mise à l'épreuve, travail d'intérêt général, libération conditionnelle, contrôle judiciaire ou ajournement avec mise à l'épreuve) sont placées sous le contrôle du juge de l'application des peines et suivies à sa demande par les services pénitentiaires d'insertion et de probation (SPIP), soit dès le jugement, soit après une période de détention. Les SPIP assurent également le suivi des personnes faisant l'objet d'un aménagement de peine en placement à l'extérieur, en semi-liberté ou en placement sous surveillance électronique.

En milieu fermé Les personnes prises en charge dans les établissements pénitentiaires peuvent exercer un travail ; elles ont également accès à différentes activités d'enseignement, de formation, culturelles ou sportives. Leur nombre, 60 000 en moyenne depuis l'année 2000, a plus que doublé au cours des quarante dernières années[2,p.64]. Cela s'explique par l'accroissement du nombre des entrées en prison mais aussi par l'allongement de la durée moyenne des peines. La part des personnes prévenues, en revanche,

tend à diminuer. Les maisons d'arrêt, qui accueillent aussi bien les prévenus que les condamnés dont le reliquat de peine est inférieur à un an, connaissent aujourd'hui une situation de sureffectif. Essentiellement masculine (moins de 4 % des personnes détenues sont des femmes), la population carcérale est jeune (environ 45% des personnes détenues ont moins de 30 ans)

Les détenus mineurs sont placés dans un quartier d'hébergement spécifique réservé aux moins de 18 ans ou, depuis 2007, dans un établissement pénitentiaire pour mineurs (EPM)[3.,p.36]. Au quotidien, ils sont encadrés par une équipe de surveillants qui travaillent uniquement avec des mineurs. Des éducateurs de la protection judiciaire de la jeunesse (PJJ) interviennent également. Les détenus mineurs participent à l'élaboration de leur emploi du temps individuel, revu chaque semaine. Il comprend des horaires de scolarité (obligatoire jusqu'à 16 ans), de formation, d'activités sportives et socio-culturelles. Le juge des enfants est compétent sur toutes questions les concernant. Dans les EPM tout particulièrement, l'éducation est au cœur de la prise en charge des jeunes détenus avec pour objectif de préparer leur sortie et de prévenir la récidive (voir encadré page 13).

1. Le dictionnaire de ma vie;
2. Lexique des termes juridiques;
3. En route pour ma 1re année de droit 2e édition.

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POMPIERS DE L'URGENCE INTERNATIONALE

L'association Pompiers de l'urgence internationale est **agréée au niveau national pour participer aux missions de sécurité civile** selon le type des missions et le champ géographique d'action.

Pompiers de l'urgence internationale (PUI) est une association humanitaire française qui oeuvre pour porter secours et assistance aux pays victimes de catastrophes naturelles ou humanitaires. Professionnels ou volontaires, ces pompiers ont décidé de mettre bénévolement leur expérience et leur savoir faire au service des populations en difficulté. Association française de solidarité internationale (ONG) a pour vocation :

- de porter bénévolement secours aux populations les plus vulnérables dans des situations de crises en suscitant l'engagement volontaire et bénévole de professionnels du secours d'urgence, sapeurs-pompiers, personnels médicaux, ou toute personnes dont les compétences sont utiles pour aider les populations;

- de renforcer les dispositifs de sécurité civile des pays émergents par :

- une formation pluridisciplinaire des sapeurs-pompiers et acteurs de la sécurité civile ,
- un équipement en matériels et véhicules adapté en valorisant l'expérience française,
- une analyse objective des dispositifs opérationnels et fonctionnels et des propositions d'actions afin de fournir aux autorités gouvernementales une vision claire et un bilan réel de la situation,

- de développer une culture du risque et de la prévention des catastrophes dans la population et le milieu scolaire, par une mise en situation individuelle au moyen de méthodes innovantes (simulateur de séisme, multimédia)

- de développer une culture du secours par un accès aux formations spécialisées

Un plan de formation annuel est mis en place au sein de POMPIERS DE L'URGENCE INTERNATIONALE depuis plusieurs années. Les techniques

utilisées lors de catastrophes naturelles, en particulier lors de séismes, nécessitent de maintenir les acquis dans le domaine du percement mais aussi des sauvetages, des techniques d'étaiement, de la logistique ou du commandement. Ainsi, chaque mois, un thème est abordé permettant aux membres de l'équipe de secours, de suivre sous forme d'ateliers mais aussi de manœuvres structurées, une formation de maintien des acquis. Ce travail de formation est indispensable pour les maintenir à niveau dans le cadre de la classification de l'équipe de PUI au sein d'INSARAG (International Search and Rescue Advisory Group), acquis en 2010. Des méthodes spécifiques, telles que les coupes "clean", "dirty" avec du matériel thermique ou électrique, sont mises en œuvres.

L'association française « Pompiers de l'Urgence Internationale » est constituée de professionnels du secours, doté d'une expérience approuvée et éprouvée des situations de crise. Tous les membres de cette structure interviennent bénévolement et sont mobilisables dans un délai bref, pour agir efficacement.

Leurs compétences sont :

- **interventions d'urgence** lors de tremblements de terre avec des personnels

spécialisés dans les domaines du sauvetage-déblaiement, détection et localisation des victimes ensevelies par les équipes cynotechniques (championne d'Europe de la spécialité) et appareils électroniques, ainsi que dégagement ;

- **prise en charge médical** et paramédicale des victimes de catastrophes naturelles ;

- **aide humanitaire et logistique** ;

- **distribution d'eau potable** ;

- **formation de formateurs** et d'intervenants dans les domaines de compétence des

acteurs de la sécurité civile : secours à personnes, incendie, jeunes sapeurs-pompiers, sauvetage et déblaiement, cynotechnie, risques technologiques et NRBC, prévention incendie, prévision opérationnelle, feux de forêts, conduite de véhicules tout-terrain… ;

- **capacité de coordination opérationnelle** et d'expertise professionnelle (aide à la

décision) ;

- **élaboration de projets** spécifiques compatible avec les procédures des institutions internationales afin d'améliorer la capacité opérationnelle des services de secours ;

- **assistance technique** pour aider les responsables nationaux à gérer l'affluence de

moyens internationaux.

Nul n'empêchera jamais un séisme ou un tsunami mais il est possible de réduire la gravité de leurs conséquences.

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1. Pompiers de l'urgence internationale [Електронний ресурс]. – Режим доступу http:// http://www.insarag.org/– Заголовок з екрану.2013.

Sobol Sophie, Sereda Deni

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DIRECTION GENERALE DE LA SECURITE INTERIEURE EN FRANCE

La direction générale de la Sécurité intérieure(DGSI), parfois simplement appelée Sécurité intérieure (SI) est le service de renseignementintérieur et de police judiciaire du ministère de l'Intérieur

français créé par le décret du 30 avril 2014 et chargé sur l'ensemble du territoire de rechercher, de centraliser et d'exploiter le renseignement intéressant la Sécurité nationale ou les intérêts fondamentaux de la nation.

La DGSI s'est substituée à la direction centrale du renseignement intérieur (DCRI), née en 2008 de la fusion de la direction de la Surveillance du territoire (DST) et de la direction centrale des Renseignements généraux (RG) [1].

Missions

Au titre de ses missions, la direction générale de la Sécurité intérieure:

- assure la prévention et concourt à la répression de toute forme d'ingérence étrangère (contrespionnage) ;
- concourt à la prévention et à la répression des actes de terrorisme ou portant atteinte à la sûreté de l'État, à l'intégrité du territoire ou à la permanence des institutions françaises ;
- participe à la surveillance des individus et groupes d'inspiration radicale susceptibles de recourir à la violence et de porter atteinte à la Sécurité nationale ;
- concourt à la prévention et à la répression des actes portant atteinte au secret de la défense nationale ou à ceux portant atteinte au potentiel économique, industriel ou scientifique du pays ;
- concourt à la prévention et à la répression des activités liées à l'acquisition ou à la fabrication d'armes de destruction massive ;
- concourt à la surveillance des activités menées par des organisations criminelles internationales et susceptibles d'affecter la Sécurité nationale ;
- concourt à la prévention et à la répression de la criminalité liée aux technologies de l'information et de la communication.

Organisation

Son siège est situé dans l'immeuble des services de renseignement, ultra-sécurisé, inauguré en mai 2007, au 84, rue de Villiers, à Levallois-Perret (Hauts-de-Seine).

DirecteursModifier

- Bernard Squarcini est nommé directeur central du Renseignement intérieur le 2 juillet 2008.
- Patrick Calvar est nommé directeur central du Renseignement intérieur le 31 mai 2012.
- Patrick Calvar est nommé directeur général de la Sécurité intérieure le 7 mai 2014.
- Laurent Nuñez est nommé directeur général de la Sécurité intérieure le 22 juin 2017
- Nicolas Lerner est nommé directeur général de la Sécurité intérieure le 17 octobre 2018 [1].

Structure

Les activités et l'organisation de la direction générale de la Sécurité intérieure sont secrètes.

La DGSI est composée d'une direction du renseignement et des opérations, d'une direction technique, d'un service de l'administration générale et d'une inspection générale.

L'information générale est restructurée au sein d'une filière de renseignement, qui reste cependant au sein de la Sécurité publique, filière désignée sous le nom de « renseignement territorial ». La filière est organisée au niveau central avec un service central du renseignement territorial. Un second poste de directeur central adjoint de la Sécurité publique est spécialement créé.

La France est découpée en sept zones de renseignement territorial (Paris et six directions locales), correspondant aux zones de défense et de sécurité. Dans les zones de défense, le chef du service zonal du renseignement territorial est l'adjoint du directeur départemental : Paris, Lille, Rennes, Metz, Bordeaux, Marseille, Lyon [1].

La DGSI dispose d'un groupe d'intervention propre, le GAO (Groupe d'appui opérationnel), composé de 18 policiers, pour procéder aux interpellations et aux effractions de porte.

La DGSI est dotée d'un fichier nommé Cristina(Centralisation du renseignement intérieur pour la sécurité du territoire et des intérêts nationaux), classé « secret défense », qui, outre des données personnelles sur les personnes fichées, engloberait leurs proches et leurs relations. Au nom de dispositions de la loi informatique et libertés concernant les fichiers de Sécurité nationale, il n'est pas soumis au contrôle de la Commission nationale de l'informatique et des libertés(CNIL). Il est né le 1er juillet 2008 de la fusion d'une partie du fichier des Renseignements généraux et de celui de la DST.

Controverses

En 2010, à l'occasion de l'affaire Woerth-Bettencourt, la DCRI est accusée d'espionner des journalistes pour identifier leurs sources[, et Le Canard enchaîné, par la voix de son rédacteur en chef Claude Angeli, affirme que Nicolas Sarkozy supervise personnellement la cellule chargée de ces activités clandestines.

Cette même année, la DCRI a également officiellement enquêté sur les rumeurs visant le couple Sarkozy sur demande du directeur de la Police Nationale « afin d'essayer de déterminer si les rumeurs visant le couple présidentiel ne cachaient pas une éventuelle tentative de déstabilisation ».

En 2011, la DCRI est mise en cause dans l'affaire Dominique Strauss-Kahn. Jean-Jacques Urvoas, secrétaire national chargé de la sécurité au PS, a écrit à Bernard Squarcini pour savoir si, comme l'affirmait le journal Le Monde, un service de la DCRI enquêtait sur « la vie privée de certaines personnalités politiques susceptibles de présenter un jour un danger électoral », ce qui a été immédiatement démenti par le ministère de l'Intérieur [1]. Le 3 juillet, le député socialistede l'Eure François Loncle accuse la DCRI via son directeur de connexions politiques avec le groupe AccorHotels et le directeur du Sofitelde New York. Le lendemain, Bernard Squarcini déclare n'avoir jamais été en

relation avec le directeur du Sofitel ni avec aucun responsable du groupe Accor, et dément toute intervention de ses services dans l'affaire DSK. Il menace également de poursuites judiciaires toute personne qui mettrait en cause la DCRI dans cette affaire.

En mars 2013, la DCRI demande la suppression de l'article de l'encyclopédie en ligne Wikipédia concernant la station hertzienne militaire de Pierre-sur-Haute, au motif que cet article contiendrait des informations classifiées dont la diffusion serait dangereuse pour la France. Contactée aux États-Unis, la Fondation Wikimediademande à la DCRI de lui préciser quelles parties de l'article lui posent problème. La DCRI ne donne aucune précision, et insiste pour la suppression pure et simple de l'article, ce que la Fondation Wikimedia refuse. Le 4 avril 2013, des policiers de la DCRI convoquent le président de l'association Wikimédia France, qui est aussi, à ce moment, administrateur de Wikipédia en français. Ils le menacent d'une garde à vue et de poursuites judiciaires, et ainsi obtiennent de lui la suppression de l'articlel Au contraire du but apparemment recherché, la forte médiatisation de l'affaire aboutit à une large diffusion du contenu de la page, ce qui est appelé effet Streisand [1].

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1)https://fr.m.wikipedia.org/wiki/Direction_générale_de_la_Sécurité_intérieure

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PROTECTION CIVILE EN FRANCE

Une importante association en France La Protection Civile est agréée de sécurité Civile par arrêté du 30 août 2006. Elle regroupe 32.000 bénévoles, femmes et hommes, de tous les horizons, qui au travers de leur engagement, de leur formation et de leur expérience acquise sont de véritables professionnels des secours. Ces bénévoles, secouristes, médecins, infirmiers, équipiers secouristes, agents administratifs, techniciens, moniteurs, experts et cadres interviennent dans la formation du grand public aux premiers secours, dans les missions de secours en complément des services publics, et dans les missions d'aide humanitaire et sociale. Ils appartiennent tous à une même association – La Protection Civile – reconnue d'utilité publique et composée de trois échelons :

L'échelon national : la Fédération Nationale de Protection Civile (FNPC).

L'échelon départemental : les Associations Départementales de Protection Civile (ADPC). L'échelon local : les antennes de Protection Civile. La Protection Civile est ainsi présente dans 90 départements de France métropolitaine (dans lesquels elle compte 480 antennes) ainsi que dans 6 départements et territoires d'outre mer.

A l'échelon national, la FNPC est administrée par un comité directeur de 24 membres. Sur le plan opérationnel, elle est gérée par un collège de Cadres Opérationnels Nationaux, Régionaux et Départementaux placés sous la houlette du Directeur Général. La Protection Civile a 3 missions principales. Elle assure :

1. Les Missions de Secours
2. La Formation aux premiers secours
3. L'Aide Humanitaire et Sociale sur le territoire national et à l'étranger

La Fédération Nationale de Protection Civile est une association agréée de sécurité civile**.** Elle dispose à ce titre d'un agrément national pour :

- mettre en place des Dispositifs Prévisionnels de Secours (DPS) lors de manifestations pour lesquelles la FNPC assure la sécurité des participants et du public

- assurer un renfort opérationnel des services publics de secours (SAMU, Sapeurs-Pompiers) dans le cadre d'un réseau de secours ou des Plans de Secours d'urgence (Plans Rouge, ORSEC, etc.)
- participer aux missions de soutien aux populations sinistrées en cas de catastrophes
- participer à l'encadrement de bénévoles dans le cadre du soutien aux populations sinistrées

Pour assurer ces missions, en plus de son agrément d'association de sécurité civile, la FNPC dispose d'une convention avec le ministère de la Santé et de la Solidarité depuis le 10 janvier 1992.

L'an passé, la Protection Civile a assuré 23 124 dispositifs prévisionnels de secours, ce qui représente 960 000 heures de service public bénévole. Les secouristes ont parcouru 1 000 000 km pour secourir plus de 85 000 personnes dont le quart a dû être évacué vers une structure hospitalière.

La Protection Civile en France dispose d'agréments nationaux pour dispenser l'ensemble des formations aux premiers secours :

- par un arrêté du 24 juillet 2007 pour la formation aux premiers secours y compris celle des formateurs
- par un arrêté du 26 juin 2007 pour la formation des instructeurs, formateurs de formateurs
- par une convention nationale avec l'Institut National de Recherche et de Sécurité (INRS) en date du 17 janvier 2005 pour la formation des sauveteurs secouristes du travail, moniteurs et instructeurs.

Elle compte : 119 instructeurs de secourisme, 2 287 moniteurs des premiers secours. L'an passé, ils ont formé plus de 100 000 personnes aux premiers secours (tous diplômes confondus) dont 90 000 personnes au PSC1 (Prévention et Secours Civiques de niveau 1 remplaçant l'AFPS). Tous ces citoyens sont devenus capables d'effectuer des gestes qui sauvent ou de participer aux premiers secours dans leur entreprise.

La Protection Civile intervient également dans le domaine humanitaire en envoyant des équipes spécialisées et du matériel sur les lieux de grandes catastrophes comme récemment pour les tsunami en Asie. C'est aussi au sein de la Protection Civile qu'œuvrent des équipes de SAMU Social, qui vont à la rencontre des plus démunis dans les grandes agglomérations françaises. Aider à un retour à la vie normale, apporter un peu de réconfort, c'est une des missions des bénévoles de la Protection Civile. Ces trois missions sont assurées par les 32 000 bénévoles que compte la Fédération.

La toute première Association Départementale de Protection Civile (ADPC) a été créée en 1958 dans les Côtes-du-Nord. 5 ans plus tard, en 1963, on dénombrait déjà 26 ADPC déjà fédérées entre elles. C'est à la demande du Général de Gaulle, Président de la République Française, que le Premier Ministre Georges Pompidou**,** par une directive en date du 18 mars 1964**,** sollicite la création d'une Fédération Nationale de Protection Civile afin de fédérer l'ensemble des forces concourant à la protection des populations civiles sur le plan national.

La Fédération Nationale de Protection Civile (FNPC) est créée le 14 décembre 1965 lors d'une assemblée générale à Paris. La Fédération nationale a pour but de mettre en œuvre tous les moyens dont elle dispose en vue d'assurer la protection des populations civiles contre les dangers en temps de paix comme en temps de crise. Elle est dans la capacité de répondre à la demande des pouvoirs publics, des organismes publics ou privés ou à son initiative, pour toutes les opérations de secours, de couverture sanitaire ou d'aide humanitaire tant sur le territoire national qu'à l'extérieur.

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1. Philippe Cart-Tanneur, Jean-Claude Lestang, Sapeurs-pompiers de France. –Edition B.I.P. Paris-1985.

2. Sapeur-Pompier, magazine N 1090.- France Sélection, Paris-2012.

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LOIS SUR LES NORMES D'EMPLOI AU CANADA

Les normes d'emploi correspondent aux normes minimales qui, dans la loi, définissent et garantissent les droits des travailleurs en milieu de travail. Chaque province et territoire a ses propres lois sur le sujet. La plupart des travailleurs du Canada (environ 90 %) sont protégés par les lois en matière d'emploi de leur province ou territoire. Les autres sont quant à eux visés par les lois fédérales.

Quels droits en matière d'emploi sont protégés par les normes d'emploi?

Les lois sur les normes d'emploi définissent notamment les droits relatifs aux heures de travail et à la rémunération des heures supplémentaires, au salaire minimum, à la rémunération, aux vacances et aux payes de vacances, aux congés fériés, aux pauses et aux périodes de repas, aux congés de maternité et parentaux, aux congés pour urgences personnelles, aux congés familiaux pour raison médicale, aux avis de fin d'emploi et aux indemnités de départ.

Voici quelques points importants :

- Les règles concernant les heures de travail régulières et supplémentaires, qui s'appliquent à la plupart des travailleurs, varient considérablement d'une province à l'autre. La plupart des provinces et des territoires ont toutefois établi que les heures supplémentaires devaient être rémunérées à un taux équivalant à une fois et demie le taux salarial régulier de l'employé. Les employeurs ne peuvent ni refuser de payer les heures supplémentaires, ni obliger un travailleur à effectuer un nombre d'heures de

travail excessif, ni licencier ou faire expulser les travailleurs qui refusent ou qui portent plainte.

- Le salaire minimum, qui correspond au taux salarial le moins élevé qu'un employeur peut offrir à un travailleur, varie lui aussi beaucoup en fonction des lois provinciales ou territoriales.

- Les employés doivent être payés à intervalles réguliers et doivent recevoir un relevé sur lequel figurent leur salaire et les déductions effectuées pour la période visée.

- La plupart des travailleurs ont droit à des vacances annuelles payées. Par exemple, en Colombie-Britannique, en Ontario, au Manitoba, en Alberta et au Québec, les employés ont droit à deux semaines de vacances après avoir travaillé un an pour le même employeur. Il existe des différences importantes entre les provinces et territoires en ce qui a trait aux droits et à l'admissibilité.

- Les congés fériés permettent à la plupart des travailleurs de profiter d'un congé payé ou d'être payés au taux des heures supplémentaires s'ils travaillent. Chaque province et territoire garantit un nombre donné de congés fériés.

- La plupart des provinces et des territoires canadiens garantissent aux travailleurs une pause repas d'au moins une demi-heure après chaque période de cinq heures de travail consécutives. Les employeurs ne sont généralement pas tenus de payer les travailleurs pour la période du repas.

Est-ce que tous les travailleurs ont les mêmes droits en matière d'emploi?

Non. Certaines catégories de travailleurs, comme les pêcheurs qui s'adonnent à la pêche commerciale, les travailleurs du secteur pétrolier, les ouvriers forestiers, les fournisseurs de soins à domicile, les professionnels, les gestionnaires et certaines catégories de représentants peuvent être visés par des normes d'emploi différentes ou être exemptés de l'application d'une ou plusieurs dispositions des lois sur les normes d'emploi. Par exemple, les travailleurs agricoles sont parfois payés en fonction d'un tarif à la pièce au lieu

d'un salaire minimum et, dans la plupart des provinces, ils ne sont pas rémunérés pour les heures supplémentaires ou les congés fériés.

Santé et sécurité au travail

Tous les travailleurs du Canada ont le droit de travailler dans un environnement sain et sécuritaire. Les lois en matière de santé et de sécurité au travail visant à protéger les travailleurs contre les risques qui, dans leur milieu de travail, peuvent toucher leur santé et leur sécurité. Chaque province et territoire a ses propres lois, tout comme le gouvernement fédéral.

- **Le droit de refuser un travail dangereux**

L'un des droits fondamentaux du travailleur consiste à pouvoir refuser un travail qui, selon lui, présente un danger pour lui-même ou un autre travailleur. Le refus doit être signalé à l'employeur ou au superviseur, qui fera alors enquête.

- **Blessures au travail**
- Toutes les provinces et tous les territoires versent des indemnités aux accidentés du travail. Si un travailleur a un accident au travail, le superviseur doit en être avisé immédiatement. Il lui faut alors communiquer avec un professionnel de la santé (p. ex., un médecin), et une réclamation doit être déposée à la commission des accidentés du travail sans délai.

Droits de la personne

Discrimination

Les employeurs ne peuvent refuser d'engager un travailleur en raison de sa race, de sa religion, de son origine ethnique, de la couleur de sa peau, de son sexe, de son âge, de son état matrimonial, de son handicap ou de son orientation sexuelle. Malheureusement, les employeurs ou d'autres travailleurs peuvent malgré tout exercer une forme ou une autre de discrimination ou formuler des propos racistes ou offensants. Il s'agit dans ce cas de harcèlement, ce qui est interdit par la loi.

Si vous croyez être victime de discrimination ou de harcèlement, discutez avec votre employeur pour tenter de résoudre le problème. Si c'est

possible ou si ça ne donne aucun résultat, parlez à votre représentant syndical ou à un représentant de la commission provinciale ou territoriale des droits de la personne ou de la Commission canadienne des droits de la personne.

Si vous avez besoin d'aide

Si vous considérez que vous êtes traité injustement et que votre employeur ne respecte pas la loi, vous pouvez téléphoner ou écrire au bureau provincial, territorial ou fédéral des normes du travail. L'employeur ne peut vous imposer de mesures disciplinaires ni vous pénaliser pour avoir déposé une plainte devant ces organismes. Les représentants de l'organisme peuvent cependant vous demander si vous avez tenté, dans un premier temps, de résoudre le problème en discutant avec votre employeur.

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DROIT, JUSTICE ET INCIDENTS NUMERIQUE

Les bouleversements induits par le numérique en matière de droit et de justice.

Trois questionnements majeurs se profilent ici. L'utilisation d'instruments numériques modifie-t-elle la façon de faire le droit ou de rendre la justice ? On peut tout d'abord se demander si les nouvelles technologies ont une incidence sur la procédure. Au Canada et en Australie, des chercheurs étudient, par exemple, la présentation des preuves techniques produites sur

des supports numériques, et son impact sur les jurés2 . Dans le même ordre d'idée, l'accès à une jurisprudence française et européenne plus complète transforme-t-il les habitudes de travail et les pratiques des juges ? Ensuite, il serait utile de s'interroger sur la réalité des utilisations de grands systèmes d'information (type Cassiopée, par exemple), dans les juridictions et par les acteurs de la justice. Ces systèmes ne fonctionnent pas tous de manière idéale et des adaptations sont souvent nécessaires pour parvenir néanmoins à les utiliser [1]. Quelles sont les marges de manœuvres tolérées à l'échelle locales, en la matière ? Par ailleurs, le numérique a des conséquences sur le fond du droit, en entraînant parfois une redéfinition de ses objets et de ses règles, de sa mise en œuvre concrète et du contenu même des décisions adoptées par les tribunaux en passant par les conditions des coopérations qui sont nouées, via des outils numériques, entre certains acteurs du monde judiciaire (on pense notamment au e-barreau). Enfin, il serait utile de se pencher sur l'étude des différents impacts du numérique sur l'activité de justice elle-même : en renforçant encore la dimension de l'écrit, en rigidifiant les délais, en limitant les face-à-face, les outils numériques transforment également cette pratique quotidienne et, de fait, certainement, ses résultats [2]. L'utilisation du numérique dans le but de rendre le droit et la justice plus accessibles conduit, ensuite, à se demander si cette mise à disposition des données, cette transparence, engendre une meilleure justice, en particulier pour le justiciable. Sert-elle véritablement à améliorer la prise de décision ? Induit-elle une homogénéité dans la résolution des litiges transfrontaliers ? Rend-elle le droit plus accessible aux justiciables et, plus généralement, quels sont les effets du numérique sur le service public de la justice ? S'accompagne-t-elle d'une simplification du langage juridique ? En d'autres termes, rend-elle le droit et la justice plus démocratiques et efficaces ? En matière pénale, cette mise à disposition des données peut être présentée comme le moyen d'atteindre une meilleure justice, au sens d'une justice plus sûre et plus protectrice, notamment au niveau européen [3]. C'est par exemple le but du système ECRIS (European

Criminal Records Information System) qui vise à échanger des informations sur les casiers judiciaires. Les systèmes d'information qui sont mise en œuvre dans le contexte judiciaire sont enfin empreints de logiques multiples, dont la compatibilité avec l'objectif de bonne administration de la justice pourrait être mieux évaluée. La dimension économique de ce secteur, ainsi, devrait être examinée : quels sont les agents du secteur du numérique, ses entreprises de conseils. Quelles dépendances sont induites par les outils proposés par les producteurs de solutions, leurs coûts, parfois importants, les risques juridiques attachés à la conclusion de contrats qu'il sera potentiellement difficile de rompre au regard des sommes engagées ? En contrepoint des avantages potentiels du numérique en matière de droit et de justice, se profilent un certain nombre de limites, voire de dangers [4].

Une réflexion autour des limites et des dangers de ces bouleversements.

Les limites et les dangers peuvent être d'ordre technique. On peut s'interroger sur la vulnérabilité technique de cette dématérialisation, en particulier dans les procédures judiciaires ou pour certains actes relatifs à l'état civil, tant du point de vue national qu'international. Assurer la sécurité des techniques de transfert, de l'hébergement et du traitement des données juridiques, des signatures digitales (développement de la certification de la signature électronique, par ex.) constitue une nécessité d'aujourd'hui et surtout de demain. Il serait également pertinent d'identifier l'émergence de nouvelles formes de criminalités «numériques» (cyber-criminalité, cyber-terrorisme) et de les analyser. Parallèlement, l'accès à ces données ne risque-t-elle pas de remettre en question le respect des droits fondamentaux des justiciables ? Quelles solutions sont aujourd'hui développées contre la marchandisation des données personnelles et avec quels résultats ? Comment et jusqu'où protéger les « libertés numériques » (cf. la réflexion sur leur constitutionnalisation)? Que penser de la perspective de créer des dossiers administratifs partagés sur le modèle du dossier médical partagé en termes de contrôle de l'administration

sur le citoyen ? Dans une approche prospective, peut-on imaginer que l'interface numérique sépare un jour le justiciable de « son » juge en utilisant des « opérateurs judiciaires » en ligne, voire en automatisant les décisions judiciaires dans des litiges précis ? On peut alors s'inquiéter de la place de l'équité dans ce type de processus. La mise en œuvre des décisions de justice, leur rituel, peuvent de surcroît être influencée par l'utilisation d'outils relevant du numérique : une décision adoptée via des audiences à distance a-t-elle la même portée psychologique et pratique ? Comment apprécier les effets des bracelets électroniques sur les conditions de mise en œuvre et les effets sociaux des décisions ? Enfin, le numérique interroge sur les risques liés à la méconnaissance de son fonctionnement ou à son mauvais usage de la part des acteurs du droit et de la justice [5]. Le numérique est en effet susceptible d'entraîner un bouleversement des métiers du droit et des compétences nécessaires pour les exercer. Mais dans quelle mesure ces acteurs sont-ils préparés à ces bouleversements ? Sont-ils formés à l'organisation mais aussi aux dangers du partage d'information ? [5] Quid de leur présence sur les réseaux sociaux et de ses conséquences (ex. de l'utilisation de twitter par les magistrats et des questions induites en termes de contrôle et de dignité du magistrat) ?

Ouvrir l'appel à la réalisation d'outils et non uniquement de réflexions sur le numérique.

Enfin, il paraît essentiel de ne pas uniquement se limiter à la réflexion sur le numérique dans son rapport au droit et à la justice, mais de soutenir des initiatives techniques dans ce domaine. En lien avec des spécialistes de l'outil numérique (développeurs, etc.) et des professionnels du droit et de la justice, les chercheurs pourraient proposer des outils (bases de données, mooc, outils d'aide au partage d'information, etc.) novateurs en matière de droit et de justice (par ex. outils de traductions juridiques spécifiques novateurs, bases de données ayant pour but de faciliter les travaux juridiques, de rationaliser les

lois en déterminant leurs incohérences éventuelles ou de mesurer leur impact, etc.) [4].

Modalités : Les travaux devront mêler approche empirique et réflexion. Il est indispensable que les projets reposent sur un dialogue étroit entre chercheurs, professionnels de la justice, voire du droit. Le comparatisme est également ici fondamental en raison du caractère international de la question. Le sujet n'est pas limité aux questions et aux exemples développés dans ce texte qui vise surtout à donner une base de réflexion [1].

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1. [www.gip-recherche-justice.fr/publication/le-droit-a-loubli]

2.[www.contribuez.cnnumerique.fr/debat/justice-et-numérique]

3.[www.blog.legalaid.on.ca/fr/2014/02/27/cyberjustice-the-future-of-justice-a-visit-to-university-of-montrealscyberjustice-lab]

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5.[www.eurogroupconsulting.fr/actualites/publications/etudes/le-numerique-jusquou-inventer-les-servicespublics]

СЕКЦІЯ УКРАЇНСЬКОЇ МОВИ

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АНГЛІЦИЗМИ В СУЧАСНОМУ МОЛОДІЖНОМУ СЛЕНГУ

Наявність слів іншомовного походження є невід'ємною ознакою будь-якої мови. Такі запозичення, безперечно, пов'язані з історією країни й демонструють розвиток її економічних (зокрема торгівельних) та культурних зв'язків з іншими державами світу, відображають зміни й збагачення мови.

В останні роки українська мова надзвичайно активно поповнюється запозиченнями з англійської мови, що особливо помітно в лексиці сучасної молоді.

На думку доктора філологічних наук Л. Ставицької, сучасний молодіжний сленг є ніби посередником між інтержаргоном та мовною практикою народу, розмовно-побутовою мовою широких верств населення, яка послуговувалася і завжди послуговуватиметься здатністю української мови до продукування стилістично знижених, іронічних, гротескних лексичних засобів, що в сучасних умовах демократизації стилів спілкування і виявляються адекватними жаргонним і сленговим номінаціям [3].

Молодіжний сленг – це окремий пласт національної мови, який відображає певною мірою рівень культури, освіченості, розвитку суспільства. Широке вживання сленгу юнаками й дівчатами – це протест проти узвичаєних норм, соціальних, етичних, естетичних, мовних та інших умовностей, прагнення звільнитися від суспільних обмежень, одвічний

конфлікт «батьки-діти», непорозуміння зі старшим поколінням, символ незадоволення або розчарування дійсністю. Отже, молодіжний сленг – це, перш за все, своєрідний словесний код, складник молодіжної культури та мислення, результат молодіжної мовотворчості [2].

Невід'ємним елементом сучасного молодіжного сленгу є англіцизми (запозичення з англійської мови або перекладені з неї чи утворені за її зразком) та американізми. Поява їх в українській мові зумовлена як активним поширенням англійської мови у світі (особливо в пострадянських республіках) через її вивчення у школі, поширення англомовної художньої, наукової та навчальної літератури, популярністю англомовної музичної та кінокультури та популяризацією західного способу життя.

Англіцизми сучасного молодіжного сленгу можна розподілити на такі тематичні групи:

1) назви предметів повсякденного вжитку (одяг, взуття, їжа, предмети побуту): *джоґери*, *світшот*, *худі*, *топ*, *боді*, *шузи*, *бутси*, *найки*, *адідаси*, *чипси*, *скрембл*, *панкейк*, *капкейк*, *кейк-попс*, *смузі*, *пудинг*, *бургер*, *степлер*;

2) лексеми на позначення людей за різними ознаками: *бой*, *гай*, *бейбі*, *мен*, *піпли*, *френди*, *бой-френд*, *герл-френд*, *сек'юріті*, *ді-джей*, *адмін*, *тьютор*, *аніматор*, *мерчик*, *тічерка*, *доґ-хантер*, *нігер*, *раша*, *віп-персона*, *ньюсмейкер*;

3) назви, пов'язані з комп'ютерними технологіями та засобами зв'язку: *інста*, *гуглити*, *ноут*, *постити*, *вінда*, *юзери*, *баг*, *гіг*, *софт*, *геймер*, *конектитися*, *сішник*, *хейтер*, *чатитися*, *нік*, *монік*, *лінуксоїди*, *логінитися*, *вай-фай*, *роумінг*, *девайс*;

4) найменування емоцій, оцінки дійсності, етикетні формули тощо: *хеллоу*, *бай*, *ван сек*, *сюрпрайз*, *ок*, *окей*, *ноу проблемз*, *сорі*, *супер*, *зе бест*, *крейзі*, *найс*, *анбелівбл*, *хепі бьоздей*, *ноу комент*, *упс*, *лайкати*, *шерити*;

5) назви, пов'язані зі сферою музики, кіно, моди, телебачення тощо: *сейшн*, *андеґраунд*, *хард-рок*, *репер*, *емо*, *джангл*, *фест*, *батл*, *корпоратив*, *фаєр-шоу*, *римейк*, *фентезі*, *муві*, *селебреті*с, *фейк*, *стайл*, *бойз-бенд*, *перфоменс*, *інсталяція*, *блокбастер*, *чил-аут*, *денс*, *паті*, *бренд*;

6) лексеми на позначення спортивних змагань, ігор: *пейнтбол*, *шейпінг*, *бодібілдинг*, *квест*, *пілатес*, *стритбол*, *маунтинборд*, *боулінг*;

7) найменування різноманітних методик для саморозвитку та пов'язаних із ними реалій: *тренінг*, *коуч*, *тім-білдінг*, *тайм-менеджмент*, *модератор*, *флешмоб* тощо.

Хоча питома вага англіцизмів в молодіжному сленгу та й в українській мові загалом невпинно зростає, цей процес не можна сприймати однозначно. Попри збагачення словникового запасу мови, з неї водночас витісняються на периферію вживання питомі українські лексеми, а запозичені слова часто абсолютно непродуктивні в системі нашої національної мови; до того ж під впливом англійської мови зазнає змін українська фонетика, морфологія та синтаксис. Тож такими запозиченнями варто послуговуватися доречно, зважаючи на соціокультурні умови спілкування.

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ЛЬВІВ ЯК МІСТО МІЖКУЛЬТУРНОЇ КОМУНІКАЦІЇ В СУЧАСНІЙ ПОЛЬСЬКІЙ ТА УКРАЇНСЬКІЙ ЛІТЕРАТУРІ

Львів здавна привертав увагу дослідників історії, культури, політики чи економіки як місто, чия унікальність складалася через його багатонаціональність та багатокультурність. Власне через ці дві складові і формувався образ Львова як місця взаємодії українців, поляків, євреїв, вірмен та інших національних й етнічних груп. Ця взаємодія упродовж історії була різною – від трагічної до величної, але щоразу вона ставала фундаментом до формування образу Львова як міста унікальної міжкультурної комунікації.

Ця унікальність якнайповніше представлена, передусім, в художній літературі та есеїстиці ХХ століття, а також їх дослідженнями сучасних українських й польських науковців, з-поміж яких варто виокремити Катажину Котинську, Інну Булкіну, Романа Голика. Кожен з цих авторів через корпус текстів аналізує, як саме формувався образ Львова як багатокультурного міста.

Польська дослідниця Катажина Котинська у своєму ґрунтовному дослідженні «Львів: перечитування міста» стверджує, що здебільшого ідеалізований образ «Львова багатокультурного» сформувався у 1990-х роках ХХ століття і живе досі. Такий стереотип ідилії має чимало переваг, адже дозволяє уникати нерозв'язаних досі історичних питань взаємовідносин поляків, українців та євреїв. Дослідниця слушно зауважує, що, однак, він вписується у дискурс політкоректності і слугує приводом для збі-

льшення популярності міста посеред туристів, яких або цікавить Львів та його історія, або які родинно пов'язані з містом. Вона розглядає мультикультурну ідилію саме як міт – не історію, а прекрасну утопію, що в якийсь час виявилася зручною і для історичної ідеології, і для міської комерції: «*Стереотип мультикультурної ідилії має багато переваг, зокрема, дозволяє зручно оминати важкі питання багатовікової спільної історії поляків, українців, євреїв та інших*» [1].

Водночас для польської дослідниці багатомовність львівського літературного тексту – не міт, а реальність, у своїй роботі вона аналізує чотири окремі міські візії: німецьку («габсбурзьку»), єврейську, польську та українську. К. Котинська не уникає гострих запитань і болючих відповідей, навпаки, саме польсько-українські «змагання за ідентичність міста», як головний засіб у будуванні національної свідомості, стають для дослідниці однією з головних тем.

Львівський літературознавець Роман Голик вважає, що образ українського Львова як центру національного та національно-релігійного відродження, міста мітингів і демонстрацій виникає в українській літературі та мемуаристиці у 1990-х рр. ХХ ст. Ключовими авторами такого образу стають письменники старшого покоління Роман Іваничук та Микола Петренко. Водночас представники нової генерації української літератури – Юрій Андрухович, Віктор Неборак, Тарас та Юрій Прохаськи, Юрій Іздрик та інші – акцентують на різниці між реальним – поруйнованим та ідеальним – досконалим Львовом. Для них Львів – це «*місто, будинки якого схожі на книги, які кожен читає по-різному; місто-бібліотека, яку кожен використовує так, як уміє, знає і може. Змінюються покоління «читачів» – жителів, які водночас є й бібліотекарями – власниками та «інтерпретаторами» міста, у якому живуть*» [3].

Роман Голик, аналізуючи мемуарні та художньо-літературні образи Львова ХХ – початку ХХІ ст. у польській та українській традиції зазначає,

що вони споріднені, і водночас дуже відмінні. Дослідник виокремлює три основні тенденції:

– емоційно-естетичне замилування містом, його історією та пам'ятками архітектури;

– виразну національну домінанту, прагнення протиставити «чуже» сприймання Львова «своєму» (українське – польському чи навпаки) на тлі ностальгії за втраченим містом;

– іронію та критицизм, бажання побачити місто відсторонено, «збоку» [3].

Художній образ Львова як багатокультурного міста у XXI столітті доповнюється та водночас відтінюється через жанр есеїстики. Найповнішим прикладом слугують тексти, зібрані під обкладинкою книги «Leopolis multiplex» (серед авторів збірника – Ю. Андрухович, Ю. Прохасько, Ю. Іздрик, С. Жадан, В. Кожелянко, А. Бондар, Ю. Винничук, Т. Гаврилів та ін.). Ця книга есеїстики є доброю спробою художньо-документального осмислення феномена Львова, його минулого, яке проектується на сучасну ідентичність міста, а також є спробою пошуку власної ідентичності його мешканцями та поціновувачами.

У «Leopolis multiplex» особливу увагу звертають два розділи – «Польський Львів» та «Радянський Львів».

«Польський розділ» репрезентують Адам Загаєвський, Оля Гнатюк, Богдан Задура, Катажина Котинська та Марцін Зенєвіч. Разом вони представляють і аналізують те, чим Львів є для поляків, а для них він так само є насамперед П'ємонтом національного відродження, як і для українців. Польський погляд на спільне минуле важливий для порозуміння на майбутнє, а декларація дипломата Марціна Зенєвіча, що для наших сусідів означає «польський Львів», дає зрозуміти, що поляки не збираються відмовлятися від львівської спадщини і не можуть викреслити Lwow зі своєї історії та культури.

«Радянський розділ» вперше в новітній історії України осмислює тодішній Львів через російське та українське середовища міста. Замкнуте на себе російське середовище постає в ностальгійних тонах із розповідей з перших уст від колишніх і теперішніх львівських росіян Ігоря Клеха, Семена Уралова та Олександра Хохуліна. Натомість українці Остап Кривдик, Наталка Римська та Петро Мавко, які народилися та жили у радянському Львові, мають діаметрально протилежну рецепцію міста, в якому практично нема місця ностальгії та замилуванню.

На думку української дослідниці Інни Булкіної, образ Львова є найвідрефлектованішим міським текстом нової української літератури та есеїстики. Один із головних концептів львівської історії та львівського тексту – його «мультикультурність», справжня чи уявна, та, що перетворилася на міт і залишилася у щасливому минулому, чи та, яку заперечують сьогодні, але намагаються відтворити [4]. Разом з тим, більшість авторів творів про мультикультурний Львів підкреслюють унікальність Львова – особливого урбаністичного феномену на пограниччі різних культур.

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ДЕЯКІ ПИТАННЯ ЩОДО ІНОЗЕМНОЇ МОВИ В ПРАВООХОРОННІЙ ДІЯЛЬНОСТІ

В умовах європейської інтеграції і відповідно до загальноєвропейських стандартів професійної освіти й підготовки правоохоронців провідною метою є мовленнєва підготовка, що включає формування необхідних умінь і навичок практичного володіння професійно-орієнтованими іншомовними уміннями на доброму рівні у сфері професійної діяльності.

Питання культури мови завжди посідали одне із чільних місць у фаховій діяльності працівників поліції, однак останнім часом ця проблематика набула особливої актуальності через активний процес перегляду і становлення законодавчої бази, створення нових нормативних документів у контексті загальноєвропейської інтеграції [4].

На сучасному рівні функціонування правоохоронної діяльності ефективне спілкування як рідною, так й іноземними мовами стає передумовою ефективності діяльності поліцейського. Важливими стають усі види спілкування, чи то вони здійснюються в письмовій або усній формах, у формальній або неформальній обстановці.

У своїй діяльності поліцейському доводиться спілкуватися не тільки з україномовним населенням, а й громадянами інших країн. Добрі знання як мови, так й невербальних засобів спілкування, знання певних країнознавчих реалій є запорукою успішного спілкування, та зазвичай своєчасної допомоги або розкриттю злочинів по гарячих слідах [1].

Мовна підготовка поліцейських повинна бути спрямована в першу чергу не на теоретичні, а на практичні інтереси та потреби майбутнього правоохоронця. У щоденній практиці вони вирішують низку питань термінологічного й мовностилістичного характеру, пов'язану з їхньою професійною діяльністю. Правильний вибір терміну, знання його дефініції, існуючих синонімів та омонімів є досить складним та тривалим процесом, особливо, якщо йдеться не про рідну, а іноземну мову [3].

Не буде новим відкриттям те, що якість іншомовної підготовки майбутніх працівників поліції є складним багаторівневим процесом, який поєднує в єдину систему чітко встановлені відомчі нормативи, сукупність внутрішніх та зовнішніх факторів організації навчального процесу та специфічні умови іншомовної підготовки. Як показує практика сьогодення, дуже мало правоохоронців володіють іноземною мовою на досить низькому рівні.

У свою чергу мовна підготовка правоохоронців дає можливість повною мірою застосувати розробку мовних ресурсів в юриспруденції та законотворчості, оптимізацію використання мовних одиниць відповідно до ситуації, професійно-комунікативних потреб. Це все створює поліцейським комфортні умови праці, робить діяльність правників більш ефективною та менш затратною. На сьогоднішній день реалії сучасної поліцейської діяльності потребують від правоохоронців не тільки елементарного володіння іноземною мовою для спілкування з іноземцями у межах виконання функцій з охорони громадської безпеки, але й стрімкого виходу правоохоронців країни на міжнародну арену. Українські поліцейські можуть направлятися до міжнародних організацій, залучатися до участі в міжнародних операціях з підтримання миру й безпеки та мають вільно володіти іноземними мовами.

Для набуття високих результатів опанування іноземною мовою, повинен бути чітко розроблений план, який буде поділятися на етапи учбового процесу, які тісно пов'язані між собою. Перший етап повинен

сприяти вивченню термінологічної лексики, де головним завданням викладача, пояснити склад мови на граматичному, лексичному та фонетичному рівні. Наступним етапом є використання термінологічної лексики в усному та писемному спілкуванні. Третій етап містить навички, які правоохоронець повинен отримати після опанування вищезазначених етапів, а саме отримати вміння працювати з юридичними документами та правильність їх написання іноземною мовою.

Сучасні тенденції становлення України та розвитку її правоохоронних органів ставлять перед новою поліцією нові пріоритети та завдання. Приведення поліції України до кращих світових стандартів має здійснюватися, як з урахуванням світових тенденцій з дотримання прав людини, так і з урахуванням внутрішніх умов розвитку країни. Передовий досвід функціонування правоохоронних органів в багатьох європейських країнах.

Виходячи з вищезазначеного, можна зробити висновки про існування певних проблем, які пов'язаніз застосуванні іноземної мови у практичній діяльності правоохоронцями. На жаль, рівень володіння іноземною мовою у майбутніх правоохоронців залишається ще досить низьким, а їх мовна (іншомовна) підготовка потребує значного удосконалення [2].

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МОВА ЦИВІЛЬНОГО СУДОЧИНСТВА ЯК ПРИНЦИП ЦИВІЛЬНОГО ПРОЦЕСУ

Правозахисна природа цивільної юрисдикції неможлива без визначення основних засад, на яких будується цивільне судочинство. У науці цивільного процесуального права принципи права мають свою історію розвитку і становлення. Принципи цивільного процесуального права - це основні ідеї, засади уявлень про суд і правосуддя, які закріплені в нормах цивільного процесуального права і виражають особливості даної галузі права. Зазначимо, що сам термін принцип має латинське походження і перекладається як основа, першопочаток.

У науці цивільного процесу досліджувалась проблематика реалізації принципу мови цивільного судочинства. Зокрема, різні аспекти цього питання досліджували науковці-процесуалісти: О. В. Гетманцев, Я. П. Зейкан, В. М. Кравчук, В. В. Комаров, В. А. Кройтор, В. Т. Маляренко, О. І. Угриновська, та ін.

У даному випадку принципи цивільного процесуального права мають важливе значення, оскільки вони слугують необхідною умовою вдос-

коналення діяльності судових органів, а їхнє законодавче закріплення, суворе дотримання та реалізація є важливою гарантією захисту прав, свобод та інтересів особи [1, с. 88].

Принцип мови цивільного судочинства випливає із загального положення ст. 10 Конституції України, згідно з яким державною мовою в Україні є українська мова [2].

Цивільне судочинство в судах провадиться державною мовою. Суди забезпечують рівність прав учасників судового процесу за мовною ознакою. Суди використовують державну мову в процесі судочинства та гарантують право учасникам судового процесу на використання ними в судовому процесі рідної мови або мови, якою вони володіють. Учасники судового процесу, які не володіють або недостатньо володіють державною мовою, мають право робити заяви, надавати пояснення, виступати в суді і заявляти клопотання рідною мовою або мовою, якою вони володіють, користуючись при цьому послугами перекладача, в порядку, встановленому Цивільним процесуальним кодексом України [3].

Здійснення судочинства державною мовою означає, що суд у спілкуванні з учасниками цивільного судочинства застосовує українську мову. За загальним правилом, учасники цивільного процесу в межах цивільного процесу також повинні використовувати українську мову. Це стосується як усного, так і письмового спілкування (через складення судових рішень, повісток та інших процесуальних документів). Це, у свою чергу, вимагає від судді володіння державною мовою, а також мовою, якою здійснюється судочинство в тому суді, у який його призначено на посаду.

Завдяки тому, що правосуддя ведеться на державній мові і всі добре один одного розуміють, суд може глибоко знатися на матеріалах справи і встановити істину. Цей принцип також дає можливість зацікавленим особам, що беруть участь в справі, використовувати всі передбачені законом засоби захисту прав і інтересів:

- особам, що не володіють мовою, на якій ведеться судочинство, забезпечується право робити заяви, давати пояснення і свідчення, виступати в суді на рідній мові;

- вказаним особам забезпечується допомога перекладача;

- особам, що беруть участь в справі, процесуальні документи надаються в перекладі їх рідною мовою або іншою мовою, якою вони володіють.

- порушення принципу національної мови судочинства розглядається в судовій практиці як грубе порушення норм цивільного процесуального закону.

Зазначений принцип передбачає також гарантії прав учасників судового процесу, які не володіють мовою, якою ведеться судочинство. Зокрема, особам, які беруть участь у розгляді справи і не володіють мовою, якою провадиться судочинство, забезпечується право користуватися рідною мовою - робити заяви, давати пояснення і свідчення, заявляти клопотання та ін. [4, с. 14].

Не володіючою мовою провадження судочинства визнається особа, яка не розуміє або погано розуміє цю мову та не може вільно розмовляти нею.

Особам, які не володіють мовою, якою ведеться судочинство, забезпечується:

1) право на ознайомлення з усіма матеріалами справи й участь у судових засіданнях через перекладача;

2) право виступати в суді рідною мовою;

3) судові документи вручаються учасникам процесу в письмовому перекладі його рідною або іншою мовою, якою вони володіють;

4) перекладач допускається ухвалою суду за заявою учасника справи або призначається з ініціативи суду.

Процесуальне законодавство гарантує реалізацію права користування рідною мовою не тільки в суді першої інстанції, а й у судах апеляційної, касаційної інстанцій [5, с.7].

Таким чином, судочинство здійснюється тільки українською мовою, тобто суддя веде справу та складає документи на українській мові. Українська мова як державна є обов'язковим засобом спілкування на всій території України при здійсненні повноважень органами державної влади та органами місцевого самоврядування (мова актів, роботи, діловодства, документації тощо), а також в інших публічних сферах суспільного життя, які визначаються законом.

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ДО ПИТАННЯ ОСОБИ ЗЛОЧИНЦЯ, ЯК ЕЛЕМЕНТА КРИМІНАЛІСТИЧНОЇ ХАРАКТЕРИСТИКИ ЗЛОВЖИВАННЯ ПОВНОВАЖЕННЯМИ ОСОБАМИ, ЯКІ НАДАЮТЬ ПУБЛІЧНІ ПОСЛУГИ

Спеціальними суб'єктами злочину, передбаченого статтею 365^2 КК України, серед інших, що унормовані у частині 1 цієї статті, є й третейські судді (під час виконання цих функцій), державний реєстратор, суб'єкт державної реєстрації прав, державний виконавець, приватний виконавець.

Статтею 2 Закону України «Про третейські суди» від 11.05.2004 року унормовано, що *третейський суддя* – фізична особа, призначена чи обрана сторонами у погодженому сторонами порядку або призначена чи обрана відповідно до цього Закону для вирішення спорів у третейському суді. Третейський суд – недержавний незалежний орган, що утворюється за угодою або відповідним рішенням заінтересованих фізичних та/або юридичних осіб у порядку, встановленому цим Законом, для вирішення спорів, що виникають із цивільних та господарських правовідносин [1]. У юридичній літературі наведено цілком слушну ремарку про те, що з визначення осіб, які надають публічні послуги (підпункт «б» пункту 2 статті 3 Закону України «Про запобігання корупції», статті 365^2 і 368^4 КК), видно, що слова «під час виконання ними цих функцій» віднесені лише до третейських суддів і не стосуються усіх осіб, які надають публічні послуги. Ці слова: а) стоять після слів «третейські судді»; б) не винесені за дужки; в) саме такі слова («під час виконання ними цих функцій») є і в підпункті «ґ» пункту 1 статті 3 Закону України «Про запобігання корупції» після слова «присяжні». Словосполучення «під час виконання ними цих функцій» не означає, що третейські судді мають ставати суб'єктами відповідальності за корупційні правопорушення лише тоді, коли вони перебувають у засіданні. Виконання третейськими суддями своїх функцій триває протягом дії контракту між ними та сторонами в справі. Також М.І. Хавронюком цілком аргументовано висловлено власну позицію щодо такої законодавчої новели та відзначено, що загалом, всупереч прямій вказівці Закону України «Про запобігання корупції», третейський суддя не повинен

визнаватися особою, що надає саме публічні послуги: він виконує свої обов'язки не за рахунок державного чи місцевого бюджету [2, с.96-97].

Державний реєстратор юридичних осіб, фізичних осіб - підприємців та громадських формувань (далі – державний реєстратор) – особа, яка перебуває у трудових відносинах з суб'єктом державної реєстрації, нотаріус (пункт 5 частини 1 статті 1 Закону України «Про державну реєстрацію юридичних осіб, фізичних осіб - підприємців та громадських формувань») [3].

Акредитованим суб'єктом державної реєстрації (відповідно до Законів України «Про державну реєстрацію речових прав на нерухоме майно та їх обтяжень» [4] та «Про державну реєстрацію юридичних осіб, фізичних осіб - підприємців та громадських формувань») є юридична особа публічного права, у трудових відносинах з якою перебуває не менше трьох державних реєстраторів, та, яка до початку здійснення повноважень у сфері державної реєстрації прав уклала договір страхування цивільно-правової відповідальності з мінімальним розміром страхової суми у тисячу мінімальних розмірів заробітної плати, встановленої законом на 1 січня календарного року, договір з іншим суб'єктом державної реєстрації прав та/або нотаріусом (якщо акредитований суб'єкт здійснює повноваження тільки щодо прийняття та видачі документів у сфері державної реєстрації прав).

До повноважень акредитованих суб'єктів державної реєстрації належить наступні:

1) забезпечення:

- прийому документів, поданих для державної реєстрації;

- державної реєстрації та проведення інших реєстраційних дій;

- ведення Державного реєстру речових прав на нерухоме майно та Єдиного державного реєстру юридичних осіб, фізичних осіб - підприємців та громадських формувань та надання відомостей з них;

- взяття на облік безхазяйного нерухомого майна;

- формування та зберігання реєстраційних справ;

2) здійснення інших повноважень, передбачених законами та іншими нормативно-правовими актами [5].

Акредитація суб'єктів здійснюється Міністерством юстиції України відповідно до Порядку акредитації суб'єктів державної реєстрації та моніторингу відповідності таких суб'єктів вимогам акредитації, затвердженого постановою Кабінету Міністрів України від 25 грудня 2015 року №1130 [6].

Відповідно до статей 7, 8 Закону України «Про органи та осіб, які здійснюють примусове виконання судових рішень і рішень інших органів» *державними виконавцями* є керівники органів державної виконавчої служби, їхні заступники, головні державні виконавці, старші державні виконавці, державні виконавці органів державної виконавчої служби. Державний виконавець є представником влади, діє від імені держави і перебуває під її захистом та уповноважений державою здійснювати діяльність з примусового виконання рішень у порядку, передбаченому законом. Державні виконавці, керівники та спеціалісти органів державної виконавчої служби є державними службовцями [7].

Має право на сприйняття науковою спільнотою позиція, що стосується «інших осіб, визначених законом, які надають публічні послуги», то до них, крім згаданих вже уповноваженої особи або службової особи Фонду гарантування вкладів фізичних осіб, а також державного реєстратора, можна віднести також:

- тимчасових адміністраторів (відповідно до частини 14 статті 76 Закону України «Про банки і банківську діяльність» [8] і частини 15 статті 47 Закону України «Про фінансові послуги та державне регулювання ринків фінансових послуг» [9] тимчасовий адміністратор не має права приймати прямо або опосередковано будь-які послуги, подарунки та інші цінності від осіб, заінтересованих у здійсненні будь-яких дій, пов'язаних з призначенням тимчасової адміністрації);

- адвокатів – в разі надання ними безоплатної правової допомоги з оплатою їхніх послуг за рахунок державного чи місцевого бюджету (Закон «Про безоплатну правову допомогу»);

- інших самозайнятих осіб: бухгалтерів; інженерів й архітекторів; осіб, які надають освітні або лікарські послуги тощо (ст. 14.1.226 ПК) [2, с.97].

Є й інші, полярні наукові погляди на такий стан речей, зокрема за ознаками управлінської діяльності визнавати службовими особами лікарів при видачі лікарських документів, які мають юридичне значення [10, с.65-66; 11, с.122; 12, с.98], з якими, цілком аргументовано, не погоджуються окремі дослідники [13]. Враховуючи, що КК України не містить такої ознаки службової особи, як виконання юридично значимих дій (на відміну, наприклад, від КК Білорусії), як вірно стверджує Д.Г. Михайленко, тому віднесення викладачів та лікарів до категорії службових осіб за ознакою, яка є змістовно близькою до виконання організаційно-розпорядчих функцій, є не що інше як аналогія закону, яку відповідно до частини 4 статті 3 КК України заборонено. Така діяльність відноситься до квазіуправлінської, під якою варто розуміти виконання повноважень, результати реалізації яких є правовими підставами для безпосереднього здійснення функцій службовою особою. Квазіуправлінською, виходячи із наведеного визначення, є діяльність аудиторів, оцінювачів та експертів, зловживання та підкуп яких кваліфікуються за статтями 365^2 та 368^4 КК України. У зв'язку із цим, корупційні діяння викладачів та лікарів за описаних вище обставин, а також інших квазіуправлінців, не зазначених у Кримінальному законі, слід кваліфікувати за цими ж статтями КК України. Останнє пов'язано із тим, що такі квазіуправлінці фактично є особами, які надають публічні послуги [13, с.21].

Вважаємо, що в рамках існуючого правового поля, беручи до уваги раціональні вище наведені пропозиції, що належним чином обґрунтовані М.І. Хавронюком, *частину 1 статті 365^2 КК України слід викласти у*

наступній редакції, розширивши так званий «вичерпний» перелік спеціальних суб'єктів:

«1. Зловживання своїми повноваженнями аудитором, нотаріусом, оцінювачем, уповноваженою особою або службовою особою Фонду гарантування вкладів фізичних осіб, *тимчасовим адміністратором, адвокатом (в разі надання ним безоплатної правової допомоги з оплатою його послуг за рахунок державного чи місцевого бюджету), іншою самозайнятою особою (бухгалтером, інженером, архітектором, особою, яка надає освітні або лікарські послуги),* іншою особою, яка не є державним службовцем, посадовою особою місцевого самоврядування, але здійснює професійну діяльність, пов'язану з наданням публічних послуг, у тому числі послуг експерта, арбітражного керуючого, приватного виконавця, незалежного посередника, члена трудового арбітражу, третейського судді (під час виконання цих функцій), або державним реєстратором, суб'єктом державної реєстрації прав, державним виконавцем, приватним виконавцем з метою отримання неправомірної вигоди, якщо це завдало істотної шкоди охоронюваним законом правам або інтересам окремих громадян, державним чи громадським інтересам або інтересам юридичних осіб».

Відповідні доповнення необхідно внести до статті 3 Закону України «Про запобігання корупції».

Також на законодавчому рівні необхідно унормувати дефініції «*особи, які надають публічні послуги»* та «*особи, які здійснюють (провадять) професійну діяльність, пов'язану з наданням публічних послуг*». Із даного приводу дослідниками вірно констатовано, що у правовій системі України не міститься визначень цих спеціальних суб'єктів, що є серйозним недоліком, оскільки створює правову невизначеність, а це є порушенням принципу законності [13, с.17].

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ШЛЯХИ ФОРМУВАННЯ СОЦІЛЬНОЇ ВІДПОВІДАЛЬНОСТІ МАЙБУТНІХ ОФІЦЕРІВ ЯК АКТУАЛЬНА ПСИХОЛОГО-ПЕДАГОГІЧНА ПРОБЛЕМА

Аналіз змін, що відбуваються в Збройних силах України, відображає загальну тенденцію, яка спостерігається в арміях багатьох розвинутих країн світу. Необхідністю постає проблема створення оптимальних за чи-

сельністю військ (сил), що відповідно висуває більш жорсткі вимоги до якісних характеристик майбутніх офіцерів.

Офіцерами можуть стати лише добре навчені, організовані спеціалісти військової справи зі сформованою належним чином професійною мотивацією, системою цінностей, корпоративною культурою. Особливої актуальності в умовах сьогодення набуває проблема формування соціальної відповідальності в майбутніх офіцерів. Формування певної системи цінностей як своєрідного морального орієнтиру, а саме соціальної відповідальності офіцера, адже вона передбачає ціннісні виміри, життєві орієнтири, які безпосередньо впливають на якість ухвалених офіцером рішень. Духовні цінності формують загальнонаціональний суспільний ідеал, єдину національну ідею, загальновизнану ідеологію державотворення та, як результат, розвинену соціальну відповідальність [4].

Одним із шляхів забезпечення належного рівня сформованості соціальної відповідальності є впровадження в навчально-виховний процес інтерактивних технологій педагогічного впливу, що забезпечить реалізацію таких завдань:

– вдосконалення мотиваційного критерію соціальної відповідальності через формування загальнолюдських ціннісних орієнтацій;

– розвиток емоційно-вольової стійкості та емпатії;

– здобуття майбутніми офіцерами практичного досвіду на основі вдосконалення дисципліни та набуття соціального й особистісного досвіду щодо самовідданого виконання військового обов'язку [2].

Виховний процес у ВВНЗ повинен бути ефективним механізмом виховання особистості курсанта, формування в нього норм поведінки та соціальної відповідальності.

На сьогодні існує стійке переконання, що виховання курсантів у ВВНЗ переважно мають здійснювати викладачі окремих кафедр, які через специфіку навчальних дисциплін мають значні виховні можливості в га-

лузі формування поглядів, позиції, загалом світогляду, ціннісних орієнтацій майбутніх офіцерів.

Шляхами вдосконалення процесу формування соціальної відповідальності у майбутніх офіцерів ЗСУ є впровадження інтерактивних технологій у трьох напрямках: [2].

– удосконалення виховних можливостей навчального середовища ВВНЗ;

– урахування всіх функцій виховання у ВВНЗ;

– дотримання принципу гуманізму в процесі формування соціальної відповідальності.

Серед основних виховних можливостей навчального середовища ВВНЗ виокремимо такі:

– збагачувати курсантів знаннями та інформацією, що переходять в особисті переконання, які дозволяють упевнено діяти, грамотно знаходити вихід із будь-яких ситуацій;

– виховувати творчого професійного мислення курсантів (навчання аналізувати, зіставляти різні факти, вибирати й оцінювати ухвалені рішення);

– формувати світогляду курсантів на конкретних історичних подіях та сучасних наукових положеннях;

– розвивати інтерес до наукового осмислення історичних фактів дійсності, пов'язаних із сучасним веденням військових операцій та потребують соціальної відповідальності;

Процес виховання за своїм призначенням багатофункціональний, тому науково-педагогічні працівники та офіцерський склад ВВНЗ у своїй діяльності повинні реалізовувати різні функції, зокрема: розвивальну, мобілізаційну, профілактичну, спонукання курсантів до самовиховання. Незважаючи на своєрідність кожної функції, усі вони перебувають у нерозривній єдності [1].

Передусім під час виховання необхідно реалізовувати розвивальну функцію, суть якої полягає у формуванні в курсантів нових і розвитку наявних особистісно-професійних якостей. Це стрижнева, базова функція процесу виховання. Ступінь її реалізації визначає якість та ефективність виховної роботи загалом.

Під час організації виховного процесу реалізується така функція, як спонукання курсантів до самовиховання, що передбачає підкріплення мотивів і зусиль курсантів, спрямованих на формування соціальної відповідальності як особистісної якості майбутнього офіцера [1].

Виховання соціальної відповідальності молодого покоління офіцерських кадрів ЗСУ повинно базуватися на загальнолюдських цінностях. Тому ідейною основою всієї виховної системи повинен бути принцип гуманізму, вироблений та перевірений багатовіковою практикою. Гуманізм – це сукупність ідей і цінностей, які утверджують універсальну значущість людського буття загалом і окремої особистості зокрема.

Поняття гуманізму становить узгоджену систему ціннісних орієнтацій, у центрі яких лежить визнання людини як вищої цінності в суспільстві. За такого трактування гуманізм, як певна система ціннісних орієнтації і установок, набуває значення суспільного ідеалу. З позицій гуманізму, кінцева мета виховання курсантів у ВВНЗ полягає в тому, щоб вони змогли стати повноцінними суб'єктами пізнання, які будуть відповідальними за все, що відбувається. Отже, гуманізм передбачає належний рівень сформованості соціальної відповідальності, яка забезпечує гармонійний розвиток майбутньому офіцерові.

Зі змістового боку, реалізація принципу гуманізму у виховному процесі означає прояв загальнолюдських цінностей. Тому організація виховного процесу з позицій гуманізму передбачає його деідеологізацію, тобто відмову від нав'язування курсантам позицій, установок, переконань якоїсь певної соціальної чи політичної сили. В їх основі повинні лежати

добро, істина, справедливість та самовіддане виконання військового обов'язку [3].

Загалом, структура та зміст соціальної відповідальності майбутніх офіцерів є складовою системи їх взаємовідносин із навколишнім світом, розумінні сенсу життя, історичної місії і визначає зміст і спрямованість, спосіб і характері життєдіяльності особистості військового професіонала.

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ПАНТЕЛЕЙМОН КУЛІШ ЯК ОСНОВОПОЛОЖНИК УКРАЇНСЬКОГО МОВОЗНАВСТВА

Пантелеймон Куліш (1819 - 1897) – український письменник, історик, фольклорист, етнограф, перекладач. Творча спадщина видатного діяча української культури П.Куліша майже 70 років заборонялася ідеологами комуністичного режиму, але зараз повернулася до скарбниці духов-

ного життя українського народу. Куліш був однією з найяскравіших постатей українського суспільно-культурного руху середини XIX ст., який утверджував ідеї мирного культурного виборювання умов для становлення української державності.

Спробуймо зясувати, власне, який внесок П.Куліша у розвитку українського слова дає змогу називати його основоположником української лінвістики?

Процеси виформовування нової української літературної мови, окрім внутрішньомовних суперечностей між різними структурними компонентами мови при їх взаємодії, ускладнювалися впливом суспільно-історичних і політичних чинників. Дві третини української етнічної території перебували під владою Російської імперії. У такий час художня, громадсько-публіцистична, видавнича діяльність Пантелеймона Олелькoвича Куліша як справжнього патріота України була спрямована на духовний розвиток українського народу і зміцнення українства.

Невтомними намаганнями П.Куліша попри всілякі перепони нарешті вийшов україномовний журнал під назвою «Основа». Цей журнал відіграв визначну роль у культурному житті українців у другій половині XIX ст. Тут висловлено міркування про те, що грамотність є найкращим провідником свідомості в суспільному житті, у ній народ найближчий до себе самого, грамотність треба набувати рідною мовою, отже, для українців треба ширити освіту українською мовою.

Глибока пошана до народної мови свідчить не тільки про справжній, а не показовий патріотизм Куліша, а й про його філологічну освіченість, знання мовної ситуації на всьому терені тодішньої Європи, розуміння становища нових літературних мов у період їхнього формування. Думки П.Куліша про провідне значення народної мови у становленні нової літературної мови суголосні з тогочасними аналогічними ідеями німецьких романтиків.

Утвердження української мови як нової літературної потребувало розв'язання правописного питання. Давня українська (книжна) мова користувалася правописом, унормованим ще граматикою М.Смотрицького 1619 р. Як пише І.Огієнко, цей правопис «прийшов із Києва до Московії й там також міцно защепився». Але в Україні вже з 30-40 рр. XIX ст. йдуть пошуки свого, власне українського правопису. Намічаються дві основні правописні системи: історико-етимологічна і фонетична. Історико-етимологічний правопис увиразнював історичну основу і спадковість нашої мови, показував, що українська мова є давньою, а фонетичний правопис забезпечував зв'язок писемної форми української мови з живим народним мовленням, яке було основним джерелом розвитку.

Пантелеймон Куліш услід за І.Котляревським, М.Максимовичем почав писати історико-етимологічним правописом, згодом (1856 р.) перейшов і на фонетичний, удосконаливши й популяризувавши його так, що в послідовників Куліша, а потім і в історії і української літературної мови фонетичний правопис одержав назву «кулішівка». Фонетичним правописом Куліш видав двотомник «Записки о Южной Руси» (1856 -1857 рр.), «Граматку» (1857р.)та альманах «Хата» (1860 р.).

Заслуга Куліша полягає в тому, що він зумів вдало поєднати вже відомі з інших видань окремі елементи фонетичного письма в єдиний правопис і спопуляризував його через численні видання.

«Кулішівка» як одна з перших версій української граматики лягла в основу сучасної української мови. У ній була вперше застосована українська буква «і» замість старого «ятя» (літо, сіно, осінь), а так само «і» замість «о» та «є» в словах стіл, жінка, піч; з'явилася буква ґ. Його книга для читання «Граматка» (1857) стала своєрідним «українським букварем» для багатьох українців у XIX ст. аж до 1893 р., коли у Галичині почала застосовуватися більш сучасна «желехівка». Алфавіт активно використовувався в українському журналі «Основа» (1861-1862 рр.), що видавався в Петербурзі. У 1876 р. «кулішівку» заборонили в Російській імперії.

Як високоосвічений філолог Куліш усвідомлював, що якою б розвиненою, гарною не була народна мова, її недостатньо для культурного поступу і зростання української нації. Для цього потрібен літературно опрацьований культурний варіант української мови - висока літературна мова. Куліш намагався відновити перерваний царськими московськими заборонами поступовий розвиток старої руської (давньоукраїнської) мови і закономірний перехід її елементів у нову українську літературну мову. Він хотів у своїх творах відобразити неперервність цього процесу, тому широко використовував хронологічно марковану лексику (історизми, архаїзми, церковнослов'янські вирази): *жизнь, чувство, глаголю, благая вість* та інші. Куліш сприяв розширенню і збагаченню словника тогочасної української літературної мови, у якому поряд були слова книжної і розмовної конотації.

Намагаючись пробудити національно-патріотичну самосвідомість українців, Куліш розробляє історичну тематику в літературі. Він пише перший українською мовою історичний роман «Чорна рада» та історичні оповідання «Січові гості», «Мартин Гак», таким чином розширюючи й збагачуючи виражальні можливості української мови. У романі оживає історична лексика, що вже тоді призабулася, а з нею оживає й історична пам'ять народу, струмує пісенна поетика й жива українська розмова.

У Європі формування нових, національних літературних мов живилося не тільки соками народних мов, наддіалектними регіональними новотворами, а й перекладами на національні мови та виданнями з поступовим масовим поширенням книг Святого Письма. Керований ідеєю формування нової літературної української мови, Куліш зайнявся перекладом Біблії. Він уважав це найголовнішою роботою свого життя. На це пішло майже півстоліття невтомної праці. Свою авторську систему українського правопису, так звану «кулішівку», він використовував також у цьому перекладі. Однак тут Куліш зіткнувся з деякими труднощами: мова, якою розмовляли виключно селяни, залишалася переважно побутовою, і пись-

менник змушений був буквально вигадати неіснуючі слова або брати їх з польської мови (наприклад, Господь - Пан, уповає - дуфає і т. д.). Цей переклад викликав обурення українофілів і представників духовенства, як православного, так і уніатського. Крім того, з підготовкою перекладу сталися проблеми чисто містичного природи. У 1860 р. перший рукописний переклад Священного писання повністю згорів під час пожежі, яка трапилася на дачі у Куліша на хуторі Мотронівка.

Куліш розпочав усе спочатку і працював над перекладом аж до своєї смерті. Другий варіант перекладу, зроблений спільно з Іваном Пулюєм та Іваном Нечуєм-Левицьким, вийшов у Росії тільки у 1904 р., через багато років після смерті П.Куліша. У Львові українське видання вийшло набагато раніше - у 1881 р. Пізніше Біблію у перекладі Куліша перевидавали у Відні (1912), в Берліні (1921, 1930) в Нью-Йорку і Лондоні (1947). Дивно, але в незалежній Україні перше видання даного перекладу вийшло тільки у 2000 році. У біблеїстиці загально прийнято вважати Кулішів переклад першим повним перекладом Біблії українською мовою. Це була велика мовотворча праця Куліша, і вона залишила помітний слід у розвитку конфесійного стилю української мови.

Сміливо витворюючи неологізми, шукаючи відповідники в живій українській мові, Куліш був першим перекладачем на українську мову творів Байрона, Шекспіра, Гете, видав збірку перекладних поезій «Поетична Кобза» (1897 р.).

Ще одним важливим положенням П.Куліша було переконання, що між творами народними (усними й безіменними) та літературними (писаними, книжними, індивідуальними) нема неперехідної межі. Ідея взаємин двох видів творчості, що її розвинув П. Куліш, загалом була в тоді актуальною та плідною для розвитку українського письменства.

Отже, навіть з такого короткого огляду можемо зробити висновок, що Пантелеймон Куліш справді заклав основу у вивченні української мови, у становленні мовознавства як науки. Його праця дала змогу вже з 20-

х рр. ХХ ст. інтенсивно досліджувати фонетику і граматику, історію й діалектологію української мови таким відомим його наступникам – мовознавцям як Агатангел Кримський, Леонід Булаховський, Ю.Шевельов та багатьом іншим.

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БЕЗПЕКОВИЙ ВИМІР МОВНОЇ СИТУАЦІЇ МОГО МІСТА (ПАВЛОГРАД ДНІПРОПЕТРОВСЬКОЇ ОБЛАСТІ)

Мовна проблема в нашій Державі давно набула безпекового виміру знаємо ж, що війна в Україні почалася через те, що військо чужої держави прийшло сюди «захищати» російськомовне населення. Тому ситуація з мовою, подібна до мого міста, за якої в побуті поширена як українська, так і російська мова (з переважанням останньої), не така проста й безпечна, як може здатися на перший погляд.

У 1965 році Іван Дзюба писав у своїй праці «Інтернаціоналізм чи русифікація?»: «Гігантською русифікаторською м'ясорубкою були і, на жаль,

залишаються міста — колись переважно великі, а тепер уже й малі». Він не тільки констатував процес русифікації, але й ґрунтовно проаналізував його в своїй роботі, зокрема, зазначивши: «Останнім часом русифікація невблаганно наповзає вже й на менші містечка, сільські районні центри тощо — з намноженням там начальства й чиновництва, яке, звісно, говорить або старається говорити по-російському і таким чином змушує до того підлеглих; з занепадом народних звичаїв, народного мистецтва та культурних розваг і заміною їх безликою халтурою культурницьких десантників; з перевагою російської газети, книги, радіо, кіно тощо... Таким чином виробляється мова ні українська, ні російська, а якесь бридке вариво, т. зв. "суржик"; виробляється не культура, а пошлий сурогат, "дешевка", нібито "на городской манер"; виробляється й далі добре знаний в історії тип "перевертня-хахла з низьким культурним світоглядом" [1]. У результаті процесів, про які пише Іван Дзюба, можна говорити про білінгвізм, що його спостерігаємо і в моєму регіоні.

Нагадаємо, що білінгвізм (двомовність) — це специфічний стан суспільного життя, за якого спостерігається і є визнаним факт функціонування й співіснування двох мов у межах однієї держави. Додамо також, що білінгвізм виникає внаслідок міжмовних контактів, це - досить поширене явище у багатьох країнах світу, що залежить від специфіки мовного взаємоконтактування. У складі населення України спостерігається перевага двох етносів – українців (77,8%) та росіян (17,3%). Українську мову вважають рідною 67,5% населення, для 29,6% рідною є російська мова. У нас можна також спостерегти таке явище, як одночасне побутування суржика і територіальних діалектизмів, котрі, як відомо, під час формування літературної мови сприяли її збагаченню, але тепер цього сказати не можна, бо переважає все-таки суржик.

У Дніпрі, наприклад, зазвичай використовуються такі територіальні діалектизми, які подекуди межують із русизмами: коптитися **(**кудись збиратися), пішли (ходімо), хоздвір (господарський двір), балакати (роз-

мовляти), замічати (помітити щось), напиток (напій), вагани (корито), будка(помешкання собак), форми дієслова: ходю, носю, просю (ходжу ношу прошу), зісохнути(засохнути), генделик(бар) та інші.

Хочемо підкреслити, що подібне явище, зважаючи на переважання російськомовного інформаційного простору, дуже і дуже небезпечне, бо значно впливає на свідомость дитини, молодої людини та й дорослого населення. Людині стає все одно, як висловлювати свою думку, якою мовою говорити з дитиною, яку книжку їй читати чи який фільм із нею переглядати. А тому формується й спотворена мовна картина світу – «суржикова».

Треба розуміти, що нинішня мовна ситуація в Україні загалом і в моєму регіоні, зокрема, є результатом тривалої війни проти української мови, української ідентичності та української державності, яку Росія розпочала після 1654 року та яка продовжується і нині у формі мовно-культурної експансії. Станом на 2017-й рік, згідно з окремими опитуваннями, попри критику в ЗМІ, щодо радикального впровадження української мови у суспільстві, 76 % населення висловилися за атестацію зі знання мови держслужбовців, 61 % за запровадження подібного іспиту для отримання громадянства, 90 % вважають її необхідною для всіх держслужбовців та керівників медичних закладів. Але середньостатистичні жителі багатьох міст України, на жаль, не надають цьому принципового значення, і в цьому ми бачимо велику небезпеку – у браку громадянської та мовної свідомості, зокрема.

Засилля в українському інформаційно-культурному просторі іншомовної продукції призвело не лише до різкого скорочення українського мовного простору, але й веде до руйнації способу мислення і деформації ментальності громадян України, прищеплення їм чужих стереотипів, навіювання їм почуття упослідженості та меншовартості. Внаслідок цього відбувається ерозія ідентичності української нації й духовне нищення людського резерву, з якого формується українська еліта. Особливо небез-

печною є мовно-культурна експансія Росії, яка супроводжується потоками ненависті і зневаги до української мови, української нації, української державності і має на меті виплекати з українського громадянина російськомовного україноφоба. Східний регіон України щодо цього викликає особливу тривогу.

Розмірковуючи про бузпеку Держави і роль державної мови в ній, хочемо навести ще думку відомого німецького педагога Фрідріха Адольфа Дістервега: "Що означає для окремої людини її індивідуальність, те означає для народів національність. Умертвити людину — окремий і довершений вчинок. Однак взяти від людей їхню національність — це постійне і тривале вбивство. Мова для людини священна. Посягати на неї, пограбувати її від людини, нав'язувати їй чужу — означає посягати на корінь життя людини. Кожний народ на світі вбачає в такому вчинку злочин проти своєї самобутності і не залишає його без покарання. Через мову народ живе, в ній втілений його дух. Виплекана мова — це велике діло, ознака і виразник його найвнутрішнішої суті". [2] Тому, зрозуміло, що «коренем життя» нашої нації є українська мова, і збереження її – питання життя нашого народу, найперше питання безпеки та існування України як держави.

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МОВНА СТІЙКІСТЬ В УМОВАХ БІЛІНГВІЗМУ

Мова – це основа національної гідності і ставлення до неї є виявом національної свідомості. Збереження і розвиток такого важливого національного ідентифікатора неможливо без мовної стійкості, що в найширшій інтерпретації передбачає збереження колективної або індивідуальної вірності своїй мові, турботу про зростання її авторитету, усвідомлення внутрішньої потреби спілкуватися й пізнавати світ засобами рідної мови, заперечення мовного відступництва в будь-яких його проявах, прагнення позбутися монополії суржику, турбота про високу культуру спілкування. Різноаспектне вивчення мовної стійкості здійснили українські мовознавці та соціолінгвісти, а саме: Б. Ажнюк, О. Бондар, М. Масенко, О. Селіванова, О. Тараненко, О. Ткаченко та ін.

На думку О. Ткаченка, мовну стійкість будь-якого народу живлять такі чотири джерела, що є обов'язковими умовами для його національного існування, зокрема: національна традиція (історична пам'ять), національна свідомість та національна солідарність, національна культура [2, с. 367]. Визначальними у становленні мовної стійкості мовців є передусім сформованість національної свідомості, національна солідарність, а також тяглість національних культурних традицій, адже перемога тієї чи іншої мови – це завжди перемога культури, яку ця мова-переможець репрезентує. Однак названі джерела повною мірою не живлять мовну стійкість українців, оскільки нас позбавили багатьох традицій, переписали історію українського народу й української мови. В історичному аспекті ці тенденції виявляються в постійних намаганнях відтіснити українців від історичної і мовно-культурної спадщини Київської Руси, тим паче українці свого часу відмовилися від своїх традиційних назв, які перехопили північні сусіди.

Особливо актуалізується питання мовної стійкості в умовах асиметричного білінгвізму, позаяк будь-яка двомовність – це лише проміжна ланка до одномовності, у нашому випадку до російської одномовності.

Екстарполюючи сказане на сучасні українські реалії, мовна стійкість – це здатність українців розмовляти виключно українською мовою в російськомовному середовищі.

На шляху до мовної стійкості українців можна виокремити чимало як зовнішніх, йдеться, зокрема, про численні заборони української мови, цілеспрямований лінгвоцид, терор та репресії супроти україномовної інтелігенції, так і внутрішніх перешкод, які коріняться у психології конформізму. Оскільки потреба бути прийнятою до спільноти та бути нею визнаною, є однією із засадничих потреб людини. Більшість прагне зливатися з оточенням і не вирізнятись за мовною ознакою. Крім того, формування нової мовної звички вимагає неабияких зусиль і постійного самоконтролю, а людині властиво лінуватися. Чимало українців, які розмовляють російською, позиціонують таку лінгвістичну поведінку як толерантне ставлення до російськомовних співрозмовників, однак здебільшого йдеться не про толератність, а про комплекс етнічної та мовної меншовартості, ретельно прищеплений українцям упродовж століть. Відтак питання мовної стійкості – це питання духовної зрілості, національної впевненості, твердого самовизначення.

Як зазначає Л. Масенко, «існують два головних показники потужності мови. Перший – показник демографічної потужності, який визначається за кількістю носіїв певної мови стосовно загальної чисельності населення території, що досліджується. Другий показник – це комунікативна потужність мови, що визначається за кількістю комунікативних сфер, які обслуговує кожна мова [1, с. 12]. За умов конкуренції кількох мов в одній країні особливо важливим для виживання мови є саме її комунікативна потужність, одним із факторів якої і є ставлення мовців до кожного з мовних кодів.

Отже, мовну стійкість можна розглядати на макрорівні і говорити про визначальну роль історичної пам'яті, національної свідомості, розвиненої культури, нарешті про панівну ідеологію в державі та на мікрорівні,

який визначається щоденним використанням мови її носіями. Мова є потужним знаряддям домінування, засобом впливу на поведінку мовців задля досягнення певних інтересів, тому для нашої держави принципово важлива критична маса україномовних громадян, яким притаманна мовна стійкість.

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МОВОТВОРЧА ТА МОВОЗНАВЧА ДІЯЛЬНІСТЬ ІВАНА ПУЛЮЯ

Більшість українців знає Івана Пулюя як фізика, бо упродовж десятків років совєтська ідеологічна наука закритивала від суспільства його діяльність як перекладача і засновника сакрального стилю.

Можна сміливо сказати, що І.Пулюй – непересічна особистість. Володів більш як 10-ма мовами. Переклав підручники з геометрії та фізики для гімназій та молитовник на українську мову; разом із П.Кулішем та І.Нечуй-Левицьким переклав Біблію, розробляв основи концепції національної освіти, працював над словником української технічної термінології. Був одним з організаторів і деякий час головою Січі Віденської, до-

помагав утікачам у Празі. Надавав фінансову допомогу малозабезпеченим студентам з України. Виступав за створення університету у Львові.

Спробуймо визначити мовознавчо-культурологічну підойму, на яку опирався І.Пулюй у своїй мовотворчій та мовознавчій діяльності. Україноцентричний, і зокрема мовний, світогляд І.Пулюя промовисто виявляється у його оцінці діяльності М.Драгоманова й Т.Шевченка. Науковець не сприймає космополітичних і федералістських ідей Драгоманова і його трактування творчості Тараса Шевченка. І. Пулюй вважає Т. Шевченка народним пророком, який своїм творіння заклав міцну основу для національної свідомості, а своїм животворним словом таку саму основу для літературної мови. Тому цілком логічно після смерті Драгоманова його «культ» падає, а культ Шевченка, як зауважує І. Пулюй, зростає по всьому світу.

Іван Пулюй наголошує на вкрай несприятливій зовнішній політичній атмосфері, а також неготовності українського суспільства приймати народну мову як найвищу цінність у духовно-культурному розвиткові, проте віра, всупереч усьому, додавала їм сили. Звертаючись до представника виконавчої гілки влади – першого міністра охорони здоров'я в австрійському уряді українця професора Івана Горбачевського – Пулюй висловлює певність, що він, як український міністер подбає про те, щоб якнайбільше українців зайняли місце в міністерстві. Після довготривалих митарств із видруком Старого Заповіту І.Пулюй вдруге, після двадцятитрирічної паузи, звертається до Головного управління у справах друку у Петербурзі, зауважуючи на кількох засадничих речах мовно-національного розвитку українського народу та мововбивчої політики Російської імперії. Науковець зауважує на показовій поведінці Росії, з огляду на Емський указ 1876 року, що дозволяє переклад Біблії всім народам імперії, як наприклад монголам і татарам, проте не українцям. І сам же розкриває мотивацію виникнення цього указу: саме рідне слово українського народу може підняти просвіту на Україні, а тим самим вос-

кресити духовні сили українського народу. Саме тоді мислитель формулює основну суспільно-креативну функцію мови, за якої на певному історичному етапи ототожнюються поняття мови – нації – держави. Звідси і російські заборони як страх перед українським національно-державним сепаратизмом, звідси і вороже ставлення до народної мови навіть ще у другій половині XIX ст. з боку москвофільських представників Галичини, з якими стикнувся Пулюй, видаючи свій Молитовник. Тут варто зауважити, що понад 70 років земного шляху І.Пулюя – це час запеклої боротьби між москвофілами та народовцями в Галичині, що входила до Австро-Угорської імперії, він творив у час найбільшого внутрішнього протистояння між проросійськими чи пропольськими та національними силами по всій Україні.

І.Пулюй як перекладач Біблії доводить переваги фонетичного правопису на противагу до етимологічного не лише з огляду на написання слів, що відповідають їхній вимові, але й на неможливості засвоїти етимологічний правопис без знання польської та російської, себто церковнослов'янської мов. Отже, етимологічний правопис мимоволі віддаляє нас від вивчення питомої мови і змушує вдаватися до вивчення чужих мов.

Одним з улюблених занять Івана Пулюя був переклад релігійних праць із стародавніх мов. Разом з відомим істориком, письменником, етнографом, перекладачем Пантелеймоном Кулішем та письменником Іваном Нечуй-Левицьким, Іван Пулюй зробив перший переклад українською мовою Нового та Старого Завіту. 1871 р. у Відні громадським коштом був виданий «Молитовник для руського народу» в перекладі І.Пулюя. Це найперший в нашій історії український молитовник, досить великий за обсягом. Цією працею була внесена основа для розвитку української богослужбової мови XX ст. Щоправда, мова цих молитов насичена яскравими галицькими діалектизмами, розмовною лексикою, іноді автор довільно, навіть описово передає зміст молитви. Мова Івана Пулюя надзвичайно поетична.

Питання мовне в університетських викладах було першорядне й незаперечне. Йому пропонували викладати у Софійському університеті на українській мові, але через недовіру до тодішнього державного ладу в Болгарії він не погодився, натомість активно взявся обстоювати створення українського університету як визначальної освітньо-політичної установи. Він казав, що тільки свій університет може врятувати русинів з московської та польської неволі. Мислитель допускав можливість у навчально-науковому процесі іноземців, проте за умови їхнього знання руської (української) мови. Серед основних проблем заснування університету – політична: по-перше, незгода поміж своїми послами у парламенті, через що руські посли не мають сили з успіхом сказати правительству не вирішувати нічого про нас без нас. По-друге, одвічний польський чинник: правління завжди стоїть на боці поляків. Водночас Пулюй переконує Ю.Романчука в повній високопрофесійній спроможності мати свій університет.

Поряд із тим мислитель намагався допомогти українцям-студентам на чужині. З початком Першої світової війни з ініціативи І.Пулюя та його однодумців створено «Комітет помочі для шкільної молодіжи в Празі», що не тільки зорганізував українську школу, але й бурсу при ній і називав школярів «воєнними синами і дочками». Це був спосіб, на думку І.Пулюя, рятувати українців на чужині від яничарства.

Отже, еволюція мовно-політичного світогляду Івана Пулюя засвідчила послідовний націєцентричний мовно-етнонаціональний світогляд мислителя, що не лише випередив свій час, але й сучасні реалії з характерним руйнівним мовним роздвоєнням та насадженням космополітизму й глобалізму. Мислитель трактує мову як сакрально-культуроносний і визначальний націє- та державотворчий чинник і серед основних причин української бездержавності, а отже, і неповаги до питомої мови, – називає несвідомість самих українців. Неможливо не відзначити колосальну роль Івана Пулюя у створенні єдиного стандарту літературної мови. Пулюй у

лексичному контексті стояв на межі двох епох розвитку нашої мови. Староукраїнська мова у своїй матриці мала величезну кількість церковнослов'янських елементів і він розумів, що вона поволі перетворюється в злісне язичіє, тому поставив найвищу планку – дати руському народові молитви його мовою. І зробив це тоді, коли йому було 24 роки. Попри критику окупаційних режимів Австрії, Польщі, Росії, видатний фізик і перекладач закликає максимально задіювати власні зусилля, і передусім моральні максими, задля утвердження рідної мови через закладання національних шкіл, університетів, обіймання посад українцями та солідарного обстоювання прав українців у представницьких органах влади, зокрема у Віденському парламенті.

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ЗМІСТ

СЕКЦІЯ АНГЛІЙСЬКОЇ МОВИ

СЕКЦІЯ УКРАЇНСЬКОЇ МОВИ

НАУКОВЕ ВИДАННЯ

ПРАВО. КОМУНІКАЦІЯ. СУСПІЛЬСТВО.

Матеріали науково-практичної конференції
здобувачів вищої освіти
(українською та іноземними мовами)

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