

## ABSTRACTS

### POLITOLOGY

**Sribna T.V. Trends of development of democratic transformation of the political regimes of Ukraine and Poland in comparative analysis.**

The political mode in the period of systemic transformation is undoubtedly one of the main actors on the political scene, as he describes the basic activities of state-government institutions and the process of democratization.

The article tries to make a comparative analysis of the political transformation of post-communist modes of Ukraine and Poland, as well as through the political transformation consider the main features of post neopatrimonialna system (create a class of rent-seeking political entrepreneurs, private use of public administrative resources, the key role of patronage-client relationships in structuring politico-economic process and space real political struggle). The main trends of the political regime in Ukraine.

**Keywords:** transformation, democracy, political mode, the transformation of the political mode, the post-communist state.

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### SOCIOLOGY

**Kondakov A. Sex with a hollow body: lacunas in discourse about homosexuality in Russia.**

In the new Russia, some people experience exclusion from citizenship. This exclusion is based on different claims of identity: lesbians and gay men are among those who are excluded. Though in some states the mechanism of this exclusion is expressive so long as it is inscribed in the law manifestly, in Russia the mechanism is hidden in the field of silence: the articulated field of discourse on homosexuality is full of lacunas. While the most productive speakers are certainly LGBT activists, the most passive ones are the officials. These forces come into discursive play where rights are at stake. The purpose of this paper is to uncover the regulative features which silence entails in the Russian discourse on homosexuality.

The purpose of this paper is to uncover the regulative features of the Russian discourse on homosexuality. In this regard it is necessary to take into account both sides of the story: the one that is articulated together with one that is unsaid. I argue that what is not said and what is silenced matter. By a variety of means the unsaid shapes the articulated discourse on sexuality in Russia. Taking into account the fact that silence is the main 'rhetoric' of the authorities it is possible to suggest that it is used to discipline the subjects of the discourse under discussion. Silence seems to be brought into action when articulated prohibitions can no longer be enforced. In the next section I outline the history of the discourse on homosexuality in Russian law in order to find the point at which silence became a preferable means of authoritative speech.

The production of lacunas in the discourse may not be a result of the officials' intentions, though the result of their workings quite obviously follows the official line of treatment of homosexuality in Russia.

**Keywords:** homosexuality; Russia; discursive silence; human rights.

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**Paholok O. The idea of healthy way of life and its transformation into lifestyle orientations and practices in post-soviet conditions.**

The diversity of social change post-socialist societies has proven to be dramatic. The whole world underwent crucial alterations during past 20 years, with countries presenting the post-soviet camp showing, probably, most propitious ground for social change. Social, economic, political systems gained their unprecedented forms, being accompanied with deep changes of individual's mental dispositions and attitudes.

The notion of healthy way of living is discussed as a basic framework ideology proposed by the modern discourse with respect to body practices management. Meanwhile, health-oriented lifestyle is seen as a practical logic derived out it. The author shows that the interconnection of logical practice and the practice of logic should be amplified with the notion of physicality as far as the body is immediate battlefield of all ideas and their practical embodiment.

We have seen that post-socialistic societies became premises of impetuous social changes leading to necessity for finding understanding for basic elements of human behavior, including human behavior towards health. We have seen that in conditions of discounted socialistic ideology (and health promotion impetus as its part) the new logic of practice emerged, presented by modern healthy way of life ideology embodied both in politics and economy.

The article aims to show that health-oriented lifestyle concept in its vision (ideal) form is quite far from being a practical guide for daily human behaviour. Human beings are not ready to fight all their affections although they know much and sometimes they feel they can do much.

**Key words:** healthy way of life ideology, logic of practice, practical logic, health-oriented lifestyle.

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**Shabanova Alieva V. (Özkan V.). The effects and appearances of namecide process from socialist to post-socialist Bulgaria.**

The namecide concept defines a political violence that carried out on more than 1,000,000 members of national Turkish minority in recent socialist past of Bulgaria. Within the scope of namecide each member of national Turkish minority was forcefully given Bulgarian/Slav names instead of their Turkish names. In the study the namecide is taken as a process that its influence today continues wherever victims of namecide live: in post-socialist Bulgaria, Turkey, and another countries also including many European countries. The aim of study is to examine some effects and appearances of namecide process in socialist and post-socialist Bulgaria. Used techniques to collect data are largely oral history interviews and partially observation. The study is mainly based on empirical data of the nature of primary sources which collected with the oral history interviews from 20 witnesses in Bursa-Turkey during March 2010. 20 witnesses as each one informant are both victims of namecide in the context of ethnic genocide, ethnic discrimination, and ethnic cleansing and camp survivors (Belene Concentration Camp, Belene Isolation Camp, and Bobovdol Concentration Camp operating in Bulgaria between 1985 and 1987). After describing the techniques of collecting data and how analysed the data, firstly; the study defines the concept of namecide as a new concept in social sciences, proposed by the writer of this study. Secondly; the namecide process is expressed in context of ethnic genocide (1984-89) in socialist Bulgaria. During the debate on crimes of communist regimes at the Parliamentary Assembly of Council of Europe's January 2006 part-session, Head of Bulgarian Parliamentary delegation called as "ethnic genocide" the political violence committed on Turks between 1984 and 1989. In that years ethnic genocide on national Turkish minority was conducted by socialist political authority with the official thesis known as "revival process (възродителният процес)". Thirdly; the namecide process is expressed in context of ethnic discrimination existed nearly all during socialist period of Bulgaria, but the most intensively in 1980s. Furthermore ethnic discrimination on national Turkish minority's members still continues in post-socialist Bulgaria. Fourthly; the namecide process is described in the context of ethnic cleansing committed in socialist Bulgaria during the summer of 1989. Within the scope of ethnic cleansing, almost 400,000 Turks were expelled from Bulgaria to Turkey. In January 2012 Bulgarian Parliamentary have called that expelling as "ethnic cleansing". Fifthly; the study examines how today the namecide fact in recent socialist past of Bulgaria effects and appears in everyday life of national Turkish minority's members. The paper seeks to discover common patterns among the oral history narratives told by witness-informants who experienced namecide, ethnic genocide, ethnic discrimination, and ethnic cleansing under communism in Bulgaria, today living in Turkey, and have many experiences, related with the effects and appearances of namecide fact, in post-socialist Bulgaria. In conclusion the study discusses the actual developments on condemnation of the crimes of Bulgarian communism which related with namecide and the common patterns of conceptualisation on namecide, ethnic genocide, ethnic discrimination, and ethnic cleansing by victims, scholars, human rights organizations, and post-socialist Bulgarian political authorities.

**Keywords:** Bulgarian Political Authority, National Turkish Minority, Namecide, Ethnic Genocide, Ethnic Discrimination, Ethnic Cleansing, Nameanomie.

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## **SOCIAL WORK**

### **Kharkhan G. D. Orphan's moral orientations.**

The problem of the moral orientations of children deprived of parent's care is examined in the article. Orphans are part of the modern society. They should master common all mankind values in order to be successfully integrated into the society. The moral orientations influence on the way of orphan's life.

Different definitions of "moral orientations" given by scientists is shortly analyzed by author.

Basic for the article is the definition of "moral orientations" that was offered by N. Chutova.

She understands it as "consciously-motivated self-identified person's choice of the system of the recognized (or unrecognized) by society and prior for the person society's values, standards, options, and also rational models of behavior in really existent (or changeable constantly) social reality. That allow on the base of its own experience to model and realize certain behaviour actions for the achievement of tactic and strategic personal goals" [9, 9].

It is needed to be mentioned that moral orientations are formed gradually during lifespan and the most influence on this process is made by family and personally referent groups.

The analysis of sociological researches allows to mark that among the orphan's moral orientations the most meaningful are family and happy family life, study and education, achievement of a professional career and material prosperity, health. The special value for orphans acquires orientation on creation of their own family and birth of mainly two children. This data received regardless the forms of trusteeship they were brought up. We should notice that children who were grown up in the family forms of trusteeship are better prepared to independent life comparing to kids from orphan's institutions. But all of them have an optimistic look in the future. The three of the most desirable dreams of orphans are follow: to have an own accommodation, to create good family, to find good job.

**Keywords:** moral orientations, orphans, children deprived paternal guardianship.

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## **LAW**

### **Golosnichenko I.P. The Legal regulation of providing administrative services requires a systematic approach.**

In the article the system of legal regulation of the providing of administrative services and its relationship with the order of resolving of individual administrative affairs in the executive bodies and local authorities are studied. The conclusion about the need of regulation in some legislative acts of material and procedural relations of the legal institution of administrative services is made.

The Law of Ukraine "About the administrative services" includes an exact determination of the term "administrative service", introduces the notion of the administrative charge as a unique payment for the receiving of the service, forbids the delegation of the providing of the administrative services and foresees the governmental authorities with the right of providing only administrative services, as well as foresees the creation of the centers of providing of the administrative services with the aim of creating the comfortable and cheap opportunities of communication between people and the government and possibilities of giving up the documents and providing the administrative services in the electronic form. At the same time the realization of this law needs the legal guaranteeing of the procedures of the providing of the administrative services that have to be determines in the Administrative and Procedural Code of Ukraine accepted by the law creators.

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### **Zolotarova N.I. The concept of administrative law enforcement methods in the environmental safety and its variety.**

The concept of methods of administrative law enforcement in environmental safety and variety. Delineated the ways and means of such activity, the variability of use persuasion and coercion.

In the methods of administrative law enforcement in environmental security refers to methods, techniques of influencing the behavior of citizens, as well as the activities of enterprises and organizations in case of deviation from the norms of the law in this area, as well as resistance to the destructive forces of nature and consequences of natural disasters.

Considering the methods of administrative law enforcement activities on the environment, it should be noted that the operating conditions of these bodies remain conviction and compulsion. But to implement any function of this activity is the ratio of variance persuasion and compulsion. In the array of administrative law enforcement external compulsion prevails, although the belief is the preferred method, because in does not use coercive law enforcement must always give priority to the use of persuasion. This ratio methods stems from the democratic nature of our country, its compliance goals and objectives of the interests of man and citizen, with priority educational role beliefs.

However, the administrative law enforcement in environmental safety beliefs and coercion are expressed in different ways, giving rise to the allocation of more specific types of methods that activity. Thus, the nature of the control action isolated organizational methods (coordination, negotiation, coaching, etc.), Psychological methods (psychological motivation, motivation, authority, etc.), Administrative and economic methods. All methods must comply with the current legislation in content, dedication and organizational form. In our law enforcement the most important are the administrative methods.

**Key words:** method of administrative activity, the field of environmental safety, persuasion, coercion, nature.

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### **Kostenko I.V. Bologna native traditions in Old Ukrainian universities.**

Bologna process (launched, oddly enough, in Sorbonne at the General meeting of ministers of Great Britain, Germany, France and Italy, May 25, 1998) which has been already actively spreading on territories of the states of Western, Central and Eastern Europe for ten years will postulate the necessity of perspective genesis of the general European higher education system in

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the integrative context. The main idea of Bologna documents is convertibility of higher education diplomas of different levels, as well as academic degrees and academic titles. In opinion of the project's authors, such convertibility must be achieved due to the certain system of education (before- and postgraduate), whose unity will be provided by the ECTS credit-module mechanism and will facilitate the mobility of education, production and research programs. It is foreseen that this, in its turn, must promote quality of the European education, overcome obstacles, caused by the state separation (studies, employment, experience involvement, a proper wage, pension, etc.), it should perfect old vision of the European education and spur to new methodological, methodical, scientifically research horizons (Bologna, General statement of the European ministers of education, June 18-19, 1999). Later on, in Salamanca representatives of more than three hundred of European higher educational establishments declared that «higher education must be accountable to society», and it is necessary to develop and ground it «on the basis of scientific researches» (Salamanca, Conference of the European higher educational establishments and educational organizations, March 29-30, 2001).

Ukraine entered the Bologna club in 2005. The reasons of it were aspiring to the European integration, tendency of isolation from the soviet, quite often negative, inheritance, desire of internal consolidation on new principles, as well as certain political, economic, social, cultural, ethnic and historical factors.

Historical traditions of dynamics of the system of scientific degrees in Ukraine and correspond questions of terminology for a designation of concepts of attestative activity as institute of award of scientific degrees and assignment of academic statuses was consider.

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#### **Yasyuk E. On the question of state funding of local government at the level of the commune in Poland.**

The aim of this paper is to present regulations of municipalities budgets in Poland, with comprehensive procedure of passing the budget.

It is presented issue of participation of self-government units in public incomes. The Constitution of the Republic of Poland (Article 167 paragraph 1) requires the appropriate participation, related to range of duties delegated by the state administration. This article discusses relation between amount of funds which the primary local self-government unit receive and range of mandated duties. This problems are significant for considering financial independence of each municipality, being the result of setting up the constitutional rule of self-government independence and other legal regulations defined in The Constitution of the Republic of Poland and European Charter of Local Self-Government. It must be said, that The Constitutional Tribunal of the Republic of Poland in one of the judgments emphasized, that financial independence of self-government units is one of the constitutional features of self-government subjectivity.

Description of passing a municipality budget procedure includes detailed presentation of resolution initiative in scope of drawing up the budget resolution, a makeshift budget resolution and a resolution changing the budget resolution. Only a governing body of a self-government unit has the right to the initiative, however in case of municipalities it is confusing, since municipalities governing body is individual, not collegial. Authorities mentioned in Article 233 of Poland Act on Public Finance are the property of mayor (*wójt* in rural municipalities and small towns, *burmistrz* in medium-sized towns and *prezydent* in cities), as the municipality governing body.

In this article it is discussed legal significance of regional clearing houses opinion and the procedure of expressing the opinion.

Description of further part of passing a municipality budget procedure points at legal regulations which set up the time-frames of passing the budget. It shows the consequences of exceeding the limits of time and importance of regional clearing houses in such a situation.

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#### **Filipenko T.V., Filatov V.V. Legal regulation of collection companies activity: Ukrainian and European experience.**

The article describes the main aspects of the collection companies in Ukraine, as well as shortcomings of the national legislation in this field. Separately studied the European experience of formation and development collection business.

Special attention was paid to the implementation of comparative analysis of the legislation of Ukraine in the sphere of collection business with the appropriate legal regulation of individual EU countries, namely Germany. The authors have formulated a number of proposals for improving the legislation of Ukraine on collection activities and identify specific ways to eliminate inconsistency of domestic and European legislation in the field of financial services.

**Key words:** collection companies, collection business, financial services.

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#### **Trut D.V. The objection to creditor's demands in passive joint and several liability.**

It is known that one of the types of civil obligations with multiplicity of persons is joint and several obligations. This multiplicity of persons may form on the side of the debtor (passive

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multiplicity) and also on the side of creditor (active multiplicity). Though, passive joint and several obligations is an advantage to the creditor - it does not mean possession of unlimited rights by the creditor.

Thus, in the article was considered the types of objections that the debtors (debtor) entitled to take against the creditor's claims in passive joint and several obligations. Under the objection should understand the real and legal remedies which the debtors (debtor) are entitled to use.

There was analyzed the essence of common objections, objections mainly personal, personal objections. Resolved issue of subjective side of debtor authorized to take certain objections. In the same time, under the general objections should be understood those objections which can be taken in full to the creditor's claim by any joint and several debtor.

Mainly personal objection can be taken only by the debtor to whom it is related and other debtors - only in part. Objections exclusively personal can be taken only by the debtor to whom it is related.

There was considered the examples of all kinds of objections that can be taken by joint and several debtors (debtor) against the claim of the creditor. Analyzed the procedure and consequences of making any objection by the joint and several debtors against creditor's claim.

There was made the recommendations for improving the regulation of taking the objections to creditor's claims in passive joint and several obligations.

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### **Sharaburyna O.O. The problems of personal data legal protection as information with limited access.**

At the present period in connection with the development of means of collecting, processing, storage, transmission of information, during global offensive so-called virtual space, when increasing the possibility of unauthorized access to information about the person, the problem of protecting confidential information about an individual - personal data - becomes relevant.

The aim of the article is to explore the regulation of relations connected with the data, containing confidential information about person (personal data), searching of the ways to legal protect such information.

In the article some current issues of legal protection of confidential information about person has been analyzed, and content of such information, the legal basis for the collection, storage, use and dissemination of such information has been defined. Within these issues also has been considered the concept of information about personal and family life of the person as confidential information about the person.

A comparative analysis of legal regulation in the sphere of personal data protection in the European legislation has been conducted, and based on this the ways of application some of international legal standards of personal data protection in Ukraine has been proposed.

We consider, in particular, the expediency of developing legal mechanisms of protection of the minor's rights, who have committed crimes or offenses, to confidential information in the national legislation has been considered. The ways of improving the relevant legal regulations are proposed.

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### **Rysak L. Comparative analysis of trademarks regulation due to Ukrainian and Russian legislation: searching for advantages and alternatives.**

Russia and Ukraine have a long and ambiguous history of relationship, including having unified legal system for almost 300 years. Obviously this fact has an appreciable influence on today's legal system of both states: they are similar enough. This statement is also true for trademark legal regulation.

However, there is a definite difference between Russian and Ukrainian acts, which regulate trade marks registration and turnover. In general, these differences can be attributed to different concepts of right to intellectual property, to the distinction of international commitments, to historical tradition. The main goal of this article was to find out mentioned differences and to analyze, which way of regulation, chosen by state legislator, consider more sufficient and successful.

To our mind, the most interesting experience of Russian lawmaker, which is definitely worth attention, is codification process in the intellectual property sphere. This process has resulted to fourth chapter of the RF Civil Code, which regulates relationships connected with the rights to trademarks, in particular. Such kind of legal systematization can help to avoid legal collisions, standards competition, lack of regulation and other objectionable legal phenomenon.

Also Ukrainian legislation can be improved by specification of regulative standards in mentioned sphere, as it is inherent in Russian laws. This measure would be useful because of partial regulation of definite questions, e.g. connected with ways of trademark owner's right protection or sanctions for its violation.

Enhancement process of Ukrainian legal system in general and trade mark law in particular is an essential target of the national scientists and lawgiver. Intense development in this area will lead

to proper performance and protection of rights and closer integration to the international community.

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**Zviagina I. N. Codification of civil law of European Union: legal comparative and historical research.**

Legal comparative and historic research of problems and pitfalls of codification of civil law of European Union devotes special attention to respective legal rules and codification experience of France, Germany, England, Scotland, the European Union, EU neighbouring countries, namely Ukraine and the Russian Federation.

The author therefore begins with general observations on history of civil law codification in Europe. Particular focus is made on early European codes of France, Belgium, the Netherlands, Italy and Germany. The codification could not have begun without politics. The early European codes were often part of reconstruction of the state, revolution or unifications. European codes, and the codes of other jurisdictions

strongly influenced by them, follow the classical division of private law into the three areas of persons, things and actions.

This article also studies development of civil law of modern European Union, examines drafts of codified acts of EU civil law. Contract law has become a central plank of policy in building the single market and promoting economic growth in Europe. Owing to the financial support of the European Commission academic groups published a Draft Common Frame of Reference (DCFR).

On 11 October 2011 the European Commission published a proposal for a Common European Sales Law Regulation. The Common European Sales Law is optional. It would apply on a voluntary basis, upon an express agreement of the parties to a cross-border contract. The proposal stipulates a comprehensive set of uniform contract law rules.

The article argues for the careful consideration of European experience of codification of civil law by the Ukrainian researchers, proactive participation in statutory modernisation of civil law, preparation of relevant proposals with due regard to development of EU civil law.

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**Yatsychyn R.V. Current trends of international legal support of the atmospheric environmental safety.**

The article deal with research of the most pressing areas of human development strategies in order to self-preservation and harmonious survival of world biodiversity, which is caused by a new impetus as a result of global scale environmental disaster in Japanese nuclear power plant in 2011.

In article author analyzes the current state of environmental safety of the air on international level. In study author solves several problems: defines and groupes a number of problems, which affect to environmental safety of the air at the present stage, investigates the possible prospects of it maintaining by international community.

Special attention is given to the review and analysis of international legal cooperation in the direction of improving the ecological state of the air in the world. All processes and activities, directed by the world community to achieve this goal, the author classified into two broad groups: international regulatory proceedings, international institutional and legislative mechanisms to maintain and ensure the environmental safety of air.

In the thesis was developed, based on the arguments concerning the lack of comprehensive international legal mechanisms aimed of environmental protection, which is reflected in the environmental safety of the air, suggested the development of the legal acts of a planetary scale in environmental and legal relations – Convention about Protection of Atmospheric Air, suggested the possible structure, rules, principles, mechanisms of realization, proposed by the ideas and principles which can be used to develop a new project, made a conclusions about the state of international legal regulation of environmental safety of air, described these suggestions and ways to improve.

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**Boyko R.V. Control in the field of labour protection.**

In 2012 enacted a new regulation on the organization and implementation of state mining supervision, government supervision management in the field of industrial safety and health in the State Committee of Ukraine and uniform inspection report object (production facility).The author, along with control explores definitions surveillance, social control.

Control is an important factor in ensuring compliance with health and safety work, further reducing injuries and illness.

Subject control in health, scientists have studied the following: O.V. Baklanov, V.M. Garashchuk, O.P Izuyita, A. Krupnik among Russian scientists: S.F. Vaslychev, M.I. Gubenko et al.

Analysis of national legislation governing the management. Thus, the law defines the authority empowered to exercise state supervision and control of safety and compliance. By law the State Mining Supervision and Industrial Safety of Ukraine exercises state supervision and control of the

activities associated with high risk, performs in a certain order state supervision (control) compliance with health and safety legislation

It occupies an important place, and public control, which unfortunately today is inefficient. Public control of the law to bear unions for compliance with occupational safety legislation, ensuring safe working conditions, adequate production and sanitation, provision of clothing.

According to the Department's website, public oversight and public control should be carried out properly. To prevent accidents and occupational diseases in the death of enterprises, companies and public sector organizations should seek foreign specialists, employers exploit their local practices and to follow the laws on labor protection. The level of security depends not only on production, but also the lives of the workers.

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