ABSTRACT&REFERENCES

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PROTECTION OF CHILDREN'S RIGHTS AND INTERESTS UNDER WAR CONDITIONS IN THE EAST OF UKRAINE AND IN THE ANNEXED CRIMEA REPUBLIC: NEW CHALLENGES FOR UKRAINE

p. 4-11

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The annexation of Crimea and Russian arm aggression at Donbas abruptly worsened the condition in the sphere of children protection and abruptly aggravated problems, which overcoming must be guided by state and social efforts.

Under these conditions the state government already in first months of arm actions took urgent measures for settlement of children, whose parents (one of parents) had died as a result of wound, contusion or inability, gotten in the districts of the anti-terrorist operation, in short terms (Order of the President № 835/2014 of 29.10.2014 "On urgent arrangements as to providing additional social guarantees for separate categories of citizens" (p. 5, part 1)).

Then accepted Laws of Ukraine "On provision of rights and freedoms of citizens and legal regime at the timely occupied territory of Ukraine", "On timely arrangements for the period of the anti-terrorist operation" contain principles as to providing the educational process and social protection of children, norms of other laws – statements, directed on protection of rights of children in difficult living circumstances, on education, social protection, rest of children and so on.

In 2016 Article 1 of the Law of Ukraine "On childhood protection" was added by the term – a child, having suffered from military actions and arm conflicts, yet unknown to the national legislation.

The modern condition of the Ukrainian legislation needs improving a part of requirements to observing rights and interests of children, removed from AR Crimea, uncontrolled territory of the Donetsk and Lugansk region, that gives children a possibility to develop their potential as Ukrainian citizens, full-time responsible members of society.

At overcoming legislative gaps in the sphere of children's rights protection in the arm conflict in Ukraine, the national legislation must be brought to correspondence with requirements of international legal acts.

Having ratified the Facultative protocol to the Convention as to children's participation in arm conflicts, our state confirmed the readiness to oppose their huge harmful influence on children, condemned illegal encroachment on them under conditions of military actions, acknowledged a necessity to intensify children's protection from a participation in arm conflicts. There is a series of problems, connected with realization of statements of the facultative protocol.

The national legislation of Ukraine doesn't determine if the Facultative protocol is a law of direct action, and if it can be directly used at court at protecting children's rights, or it is necessary to refer to other – today absent – norms of the national legislation that explain its statements.

Ukraine has not ratified the Statute of the International criminal court that generates the condition of impunity of persons, committing crimes against children that are accepted as such by the international legislation on human rights and by the Roman statute, and violates the principle of inevitability of penalty for persons that commit military crimes against children.

The national legislation doesn't contain norms that distinctly and unambiguously prohibit or introduce criminal responsibility for recruiting and using persons, younger than 18 years, in arm conflicts.

Observance of international standards of children's rights protection in arm conflicts by Ukraine is a guarantee of preserving life, physical and psychical wholeness, health and relative social welfare of suffered children and their families and also of communities, both in the East of Ukraine and in regions, that settle migrants. A combination of efforts for providing children's interests is an important precondition of integration to the European community and observance of general human values

Keywords: *children's rights protection, war, arm conflict, annexation, international standards, national legislation, international law*

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ORGANIZATIONAL AND LEGITIMATING RIGHTS AND RESPONSIBILITIES OF THE UKRAINIAN PEOPLE

p. 12-17

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The scientific article «organizational and legitimating rights and responsibilities of the Ukrainian people» is devoted to the study of general understanding of the categories «organization», «legitimation», as well as consideration of such types of organizational and legitimating rights and responsibilities of the Ukrainian people, or its part as: the right to participate in public affairs; the right to participate in national and local elections; the right to hold meetings, rallies, marches and demonstrations; the right to freedom of association in political parties and public associations; the right to send individual or collective written appeals or to personally address state authorities, local self-government bodies and officials of these bodies; the right of the working part to strike to protect their economic and social interests. In addition, the purpose of this research, according to its results, is to identify certain generalizations, definitions, conclusions, proposals and recommendations, aimed at: improving the organizational and legitimating rights and responsibilities of the Ukrainian people; for further elaboration of theoretical and practical problems concerning the rights and responsibilities of the Ukrainian people; for quality preparation, amendments and additions to regulations, namely the preparation of draft laws of Ukraine «On the status of the Ukrainian people», «On the all-Ukrainian referendum», «On local referendums» and many others; for teaching disciplines: «Constitutional law of Ukraine», «Constitutional law of foreign countries», as well as when writing textbooks, manuals, lecture courses, teaching materials

Keywords: *organization, legitimacy, organizational and legitimating rights and responsibilities, Ukrainian people, participation in government, elections, meetings, rallies, appeals, strike*

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MODERN AUTHORITARIAN REGIME: CHARACTERISTICS AND MANIFESTATIONS

p. 18-23

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The article examines the modern authoritarian regime, considers its characteristics and manifestations. The author gives an overview of modern authoritarian regimes. The purpose of this article is to determine the nature and features of the authoritarian regime, as a kind of political regime, as well as the reasons that lead to its emergence or maintenance in the country. It is noted, that the authoritarian regime is not an evolutionary form of state development, it is always a logical consequence of the socio-political processes taking place in the country. It is noted, that it appears against the background of breakthrough processes, when the political system of the state needs changes, but these changes occur under the influence of the political elite, not

society, which in turn allows us to identify the preconditions for an authoritarian regime in the state. It is stated, that the authoritarian regime is not an evolutionary form of state development, it does not provide high-quality succession of power, it is unable to offer new trends and transformations of public life due to the inability of one person to change their worldview, adapting to social demands and processes. It is noted, that most authoritarian countries do not proclaim, do not identify themselves in this way, but on the contrary try to position themselves as countries that promote democratic values. Authoritarian regime as such is not perceived by most countries in the world, as it is characterized by unstable, non-transparent and unpredictable development of socio-economic and socio-political processes. The dominance of liberal democracy in the tradition of economic relations demonstrates the tendency of socio-political preferences of most business elites to operate in the conditions of projected democratic regimes. It is concluded, that the authoritarian regime is based on the imperative planting of those values that will contribute to the maintenance of power, and therefore dominated by state ideology, which is planted by the forces and means of state propaganda. Citizens are deprived not only of real influence on the formation of state policy, but also of tools for supervision and control over the activities of the state apparatus

***Keywords**: political regime, authoritarianism, authoritarian rule, authoritarian system, political elite, political rights and freedoms*

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CONSTITUTIONAL AND LEGAL ADJUSTING OF NATIONAL SECURITY IN UKRAINE

p. 24-29

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The essence and political-legal nature of constitutional-legal provision of national security in Ukraine are revealed. The role of the Constitution of Ukraine in the process of ensuring national interests and the formation of a security environment has been studied. An analysis of the system-forming and organizational and constituent function of the Constitution of Ukraine in this area has been carried out. The main content of the constitutional and legal provision of national security in Ukraine is disclosed. A study has been carried out of the main provisions of the Constitution and the laws of Ukraine in the field of establishing the foundations for the implementation of national security. An analysis of the provisions of the Constitution of Ukraine has been carried out with a view to consolidating and regulating certain principles of the functioning of the national security system of Ukraine. The basic principles of constitutional and legal regulation of the organizational and institutional component of the national security system are defined. The special State legal nature of the Constitution of Ukraine as a central element in the organization of national security was studied. The Constitution of Ukraine contains provisions of a predominantly general nature, which determine the system of guarantees of human and civil rights and freedoms, determine the foundations and priorities of the national security policy, and it is its provisions that ensure the unity of architects and organizational coherence of the existence of the national security system of Ukraine. At the same time, there is a significant lack of constitutional and legal regulation in this area. In particular, the Constitution of Ukraine (arts. 17–18) defines the obligation of participation of society and citizens of Ukraine in ensuring only certain components of national security: information, economic, military. In other areas, such participation is not a constitutional and legal obligation of citizens. In addition, the very concept and content of the "national security" category should be enshrined at the constitutional level, and the Constitution of Ukraine should not have a dichotomy of the "national" and "state" security cat-

egories, which contains risks of reducing the effectiveness of the entire system of its practical provision

Keywords: *national security, national interests, constitutional and legal support, constitutional and legal regulation, national security system*

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SYSTEMATICS OF LEGAL RELATIONS IN AGROBUSINESS

p. 30-34

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The paper considers the systematics of legal relations in agrobusiness. The concept of legal relations in agrobusiness has been formulated. These relations are characterized by the fact that they include the process of development, production, logistics and sales of agricultural products; they are mainly regulated by the norms of the agrarian law; they arise between the clearly defined entities that are interested in agricultural products. The study object of the legal relations in agrobusiness is agrobusiness, the subject analyzed is the things (agricultural equipment) or property (land, agricultural products), intangible benefits (trademarks, geographical indication of goods) in respect of which there is an interest of the participants in this legal relationship. These relations have a primary centeredness to make a profit, and its derivative is meeting the needs of agricultural products' consumers, ensuring national food security, developing rural areas, supporting environmental safety. They are characterized by private and legal nature as well as they are notable for their business cycle. We propose the classification of the legal relations in the field of agrobusiness that depend:

1) on the sphere of legal regulation: private (that enclose the relations, arising between the equal entities) and public (legal relations that involve an "unequal" entity and provided by the subordination to state bodies / local self-government);

2) on the direct implementation of economic activities: the relations in the field of agricultural innovations, production, processing, logistics and sales of agricultural products;

3) on the field of activity: internal and external;

4) on the nature of the relationship: property, organizational, organizational and property;

5) on the production system: production (basic) legal relations of agrobusiness, derivative (secondary) legal relations of agrobusiness

Keywords: *agrobusiness, legal relations, agrarian, chain, agricultural production, agricultural commodity producer, legal regulation*

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PRINCIPLE OF EQUALITY BEFORE THE CRIMINAL LAW IMPLEMENTATION DURING THE QUALIFICATION OF CRIME IN UKRAINE

p. 35-41

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In the article under consideration, the author proves facts in a number of scientific provisions that are important for the practice of criminal law. After analyzing the scientific works on this issue, it was proved, that the study of the principle of equality is relevant given the distorted understanding of the principle in Ukraine. The article proves the thesis about the role of the principle of equality before the criminal law during the crime qualification. They can be described by the following provisions:

1) compliance with the rules of criminal law qualification of the act and application them to persons regardless of their racial, national, social origin, religion, social or political views, professional status, etc.;

2) at the same time, law enforcement bodies during the criminal-legal qualification must take into account both the objective, legal differences of the persons, whose action is qualified, and the individual characteristics of the act itself. Such consideration of objective differences requires «differentia equality».

Violations of the principle of equality before the criminal law will be errors or abuses of law enforcement agencies. Such errors or abuses are of two types:

1) different criminal-legal qualification of the act in the case of similar legal situations;

2) the same criminal-legal qualification of the act in the case of different legal situations;

3) ignoring the features that have legal significance for the qualification.

These errors or abuses can be considered a violation of the principle of equality before the criminal law only if they discriminate against certain categories of subjects on certain grounds. Therefore, not any errors or abuses in qualifications can be considered a violation of the principle of equality before the criminal law, but only discriminatory. Such errors are unintentional. Instead, abuse is always intentional, often due to non-legal material factors

Keywords: *principles of criminal law, implementation of criminal law principles, principle of equality before the criminal law, qualification of crime*

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CERTAIN ASPECTS OF THE HISTORICAL AND LEGAL DEVELOPMENT OF THE TRAFFICKING OF COUNTERFEIT MEDICINES THROUGH THE PRISM OF THE PHARMACEUTICAL INDUSTRY FORMATION

p. 42-48

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The article is devoted to the historical research of the formation and development of the pharmaceutical industry. The study of historical sources, which contain data on the origin of the category "medicines", the legal regulation of the circulation of medicines, the first mentions of counterfeiting medicines, revealed the patterns and nature of illicit trafficking in medicines. Analysis of different types of crimes and criminal activity, in general, everywhere through the prism of history is an important point for the study, knowledge and understanding of such activities. The article highlights the process of origin and development of the circulation of medicines, draws attention to historical sources that indicate the first cases of falsification of medicines in Ukraine and in the world as a whole. The authors consider the legal sources, which included the rules that established liability for illicit trafficking in medicines. The author paid detailed attention to the criminal law sources, which provided for criminal liability for crimes in the field of pharmacy, for crimes, related to the circulation of drugs of improper quality or manufactured improperly, not observing rules and requirements, established in a certain period. As for the territory of modern Ukraine, the article examines the history of the pharmaceutical industry in the territories that, in a certain period of formation of our statehood, were part of other contemporary state formations.

In the history of the formation of the Ukrainian pharmaceutical industry, the emergence of the circulation of counterfeit medicines, the author of the article highlights and explores the fol-

lowing periods: ancient times, pre-Soviet period, Soviet period, from Ukraine's independence to the present

Keywords: *medicines, circulation of medicines, low-quality medicines, pharmacological supervision*

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