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## **THEORY-LAW ANALYSIS OF INTERNATIONAL LEGAL PROVIDING THE ECONOMIC RIGHTS AND FREEDOMS OF THE PERSON AND CITIZEN**

The rights and freedoms of the person and the citizen in general, including economic are regulated not only standards of the domestic legislation.

International legal acts in the field of human rights play extremely important role in the domestic legislation of any country. International legal documents define a universal complex of basic rights and freedoms which has to provide normal activity of the person, the international standards in the field of human rights.

Modern development of the states, their international cooperation is characterized with high activity that's why the volume of personal rights and freedoms can't depend only on development of separate society and a certain state. In regulation of this question the legislator has to

consider both the general level of social development, and level of the international community integration.

The greatest attention of international legal regulation in the relations in the field of economy is paid to providing the right for work, according to the international standards, ensures: each person has the work right that includes a free choice of work (freedom of work), the right for fair and favorable working conditions, protection against unemployment, satisfactory compensation, the right for equal payment for equal work, possibility of carrier. At the same time the right for occupation with business activity (freedom of enterprise) is connected with work right as way of ensuring existence of the person, realization of the abilities through participation in a social production.

***Natalia Davydova,***

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## **HIGHER EDUCATIONAL INSTITUTIONS AS LEGAL ENTITIES OF INTELLECTUAL PROPERTY ON A TRADEMARK (EXPERIENCE OF UKRAINE AND THE USA)**

Development of the market relations, business activity activation, commercialization of the higher education, changing in the social and economic structure of the state caused with the introduction of market mechanisms in economy of Ukraine, demonstration of which was a strengthening of competitive opposition between higher educational institutions. Value and role of the special identifying designations are increased and used by suppliers of educational services for allocation and an individualization of trademarks.

Universities of the USA have a reach experience in registration and using of trademarks that, on the one hand, gives the chance to control quality made with use of the signs of goods which identify the university, and with another which is an essential source of an educational institution income.

Higher educational institutions are full legal entity of intellectual property on a trademark. In the commercialization conditions of the higher

education, Ukrainian universities should pay more attention to registration and active using in the activity of trademarks. This means about an individualization higher educational institution is an important element in competitive opposition for entrants, the budgetary financing, and also is an essential source of the income from sale of production with symbolic of university. Today, the majority of the Ukrainian higher educational institutions doesn't realize the right for trademarks which was granted to them at all.

Only several educational establishments realize certain elements, in particular, limitation of opportunities with the declaration of the right for a trademark and obtaining the sign certificate on goods and services. We consider that it's necessary to add the following content to the Art. 60 of the Law of Ukraine "About the higher education" p. 8: "Higher educational institutions are legal entity of intellectual property on a trademark".

***Yulia Trufanova,***

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## **FEATURES OF TERMINATION OF HIRING (RENT) CONTRACT IN CONNECTION WITH DEATH OF THE EMPLOYER**

Termination of hiring (rent) contract in connection with death of the employer is problematic option of contract termination because it is, as a rule, connected with return of property which was rented, from persons to whom personally this property wasn't transferred by the owner, and impossibility of performance of personal obligations according to the contract of debtor (employer). Contradictory legal regulation makes the situation worse in termination of the contract of renting from this reason. At the same time in the renting relationship where the physical person is an employer, such option of termination of the contract is always possible in the reason of adding relevance to research.

In case of rent contract termination in connection with death of the employer, the relationship between the owner of a thing and its actual owners (successors of the employer or the third parties) will be regulated by standards of chapter 83 of the Civil Code of Ukraine. Art. 785 of Civil Code of Ukraine isn't applied to these relations

as the debtor in this article only the employer acts, and for the studied conditions to his death of succession doesn't happen. In connection with this fact, the actual owners have to return a thing to her owners, and the abounded lesser has to consider surplus in payment for thing renting to the employer's successors because in both cases preservation of someone else's property (money) takes place without sufficient legal ground. In case when the rented property is included in the inventory act of hereditary property with the notary, return of such property is possible only in a judicial proceeding.

Respondents in the claim about a property exception from the inventory act will be successors and creditors of employer. It is also necessary to involve the notary office or the private notary who have already carried out the attachment of hereditary property, and the security guard of hereditary property which can be attracted as respondents or the third persons who don't require dispute subject and take the side of respondent.

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Professor of labour and social security law Department  
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## **CONTENT OF SECURITY LABOR LAW RELATIONSHIP: ASYMMETRIES OF LEGAL UNDERSTANDING**

The content of security labor law relationship is not only a component of labor law relationship, but also carries out determining a role in their functioning and genesis. In today's conditions, the importance of doctrine formation about labor security law relationship is explained with the specified and it will help to investigate deeply both obvious and latent theory-methodological problems in this sphere, to create labour-law framework suggestions for improvement which are necessary for society. The designated axiological direction in the labor law demands detailed research with considering not only standards of the national and foreign labor legislation, jurisprudence, but also the doctrine of the right theory, labor and civil law. After all in this case it isn't refinement of the legal theory of security labor law relationship, and in aspiration to create accurate system of representations

about the law occurrence. In practice, it will help in creation of the correct statutes at the level of the security labor legislation and the corresponding jurisprudence.

It is in this field, it's important to create, improve existing or find an effective legal mechanism of protection of the labour law in various branches of the right and it's logical to integrate it into the labour law (without stopping with polemic of rather branch of terminology borrowing, theoretical branch designs, etc.). So the last thesis has scholastic character and doesn't aim at the solution of the specific legal problems facing society in the field of security regulation in labour law relationship. That's why the specified condition of the available problems of labour-legal character is a powerful push for implementation of scientific investigation in the set legal vector.

***Tatiana Yuzko,***

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## **WORTHY WAGES AS NECESSARY ATTRIBUTE OF PROTECTION RIGHT FOR THE WORKER'S LIFE**

The Constitution of Ukraine proclaimed social and legal state, and the human, its right, freedom and interests are the highest social value. The right for life is a fundamental principle of all other rights, absolute value of a world civilization as all other rights lose the meaning and value without it.

First of all it should be noted, that each person deserves worthy life which can't be provided without decent work and appropriate material reward for it. Worthy work is, first of all, appropriate wages and working conditions, which gives to the worker the chance to provide not only own requirements, but also worthy life to members of his family.

Defining a standard of living as "worthy", it must be mentioned not only economic components of a standard of living of the person, and

such set of the social benefits which correspond to functional needs of the person, provide his all-round development and possibility of full activity. Traditionally, such standard of life as the purpose of implementation of social policy of the state in scientific literature and the legislation should be designated the term "worthy standard of living" of the person. Such approach is quite logical as material income of a family forms her welfare, determines the volume of security of people with the vital benefits. Those types of social security for them receive according to the legislation as a necessary source; fixed wage to existence have to carry out function of providing worthy life: retirement and social payments,. The main objective of the state is granting types of ensuring at such level which have to provide preservation of a worthy living standard and its high quality.

***Olexandr Garagonich,***

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## **INCREASING IN AUTHORIZED CAPITAL OF JOINT-STOCK COMPANIES**

Stock companies actively participate in economic processes and carry out important functions. In difficult economic conditions, when for the majority of the management organizations of development possibility with the help of self-financing are limited, emission of stock with increasing of company stock-capital can become the instrument of capitals attraction in corporate sector of Ukraine. Considering which said above, special actuality gets research of theoretical and practical aspects and the increasing in capital of stock company.

Imperfection of the current Ukraine legislation which regulates a question of increasing of authorized capital of stock company, and lack of effective protection mechanisms of the investors' rights constrains investments into stocks

of domestic issuers. As a result, recent years in Ukraine the tendency to reduction of issues number for the purpose of increasing in capital of stock company is observed.

Further development of law regulation increases the capital of stock company in Ukraine, in our opinion, it's necessary to carry out the field of its adaptation according to the right of European Union, conventional European standards, creation of conditions for attraction to formation of authorized capital in stock company of foreign investors, including with placement of domestic stocks societies outside Ukraine, reduction of quantity in public elements of issue structure, solving of the problem cleaning of the stock company market with fictitiousness signs.

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**PLANNING IN ENERGETIC BRANCH:  
IMPLEMENTATION OF FOREIGN EXPERIENCE**

Development of managing system causes not only increasing of living standard, creation of opportunities for ensuring requirements of increasing population of the planet, but also increasing in volumes of energy consumption. Considering limitation and considerable exhaustion of traditional energy resources (gas, oil, coal, etc.), the question of energy searching is the most actual for all countries of the world.

The analysis of foreign experience in planning ensuring energy security of the state allowed in formulating the suggestions for improvement of the relevant field in Ukraine which privies:

- the account in Ukrainian documents in the energetic field of results both global, and All-Ukrainian, and also local;
- providing in program documents of provisions about their periodic monitoring in compliance to modern requirements with possible

modification. Implementation of such monitoring is an expedient only once a year or at essential changes in power branch and the related spheres;

- Paying greater attention to forming strategy of Ukrainian energy security, to the question of state regulation on this field, to the purpose of preservation of state ownership and to the control of strategic resources and objects in the energetic field;

- each program document has to be supported with the corresponding report about performance which is suggested to place in the documents connected with the program (strategy, the plan);

- creation of strategic documents system: limited long-term strategy, tactical medium-term, short-term plan of actions. The last is offered to be made per one year.

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**AMERICAN EXPERIENCE OF ENERGETIC SECURITY**

Energy security of each country depends on the existence of energy resources such as coal, oil, natural gas, hydropower, atomic energy. Security of Ukraine with energy units is a guarantee of energy security, provides a condition of security, the energetic sovereignty. Absence or insignificant volumes of internal energy resources provide import deliveries which can be always broken as a result of various subjective and objective factors (prices increasing for energy carriers, establishment with the export countries of embargo, using of energy resources as the political weapon against the unfriendly states, terrorist attacks to energetic infrastructure). Providing energy security demands development of internal energy resources, their energy saving, increasing of energy efficiency, search of alternative energy sources and in need of import to the import of energetic units. USA first of all belongs to the countries which successfully over-

came import power dependence and effectively develop internal energy resources, which experience on realization of separate aspects of power policy, can be adopted by Ukraine

The analysis of power policy realization of the USA testifies that successful providing energy security was promoted by the following factors:

- Development of own energy resources which, first of all, is a guarantee of power independence (atomic energy, coal mining and slate gas);
- Development of advanced technologies in energy efficiency and energy saving is considerably caused with need of import of crude oil, the oil embargo 1973, a manipulation the prices of it;
- Development of alternative types of power sources according to legislative base (laws on power policy 2005 and about independence power and safety 2007).

***Olena Litoshenko,***

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## **FEATURES OF PUBLIC ADMINISTRATION IN THE SPHERE OF USE AND PROTECTION OF LANDS**

The subject of administrative law includes the public relations which are formed in the course of public administration in all fields of social and economic development of society. At the same time in the Agricultural Code of Ukraine there is a chapter VII "Management in the field of use and protection of lands" that generates a question about regulation of land borders and administrative law about the public relations of public administration in the sphere of using and protection of lands, and also character and branch of precepts accessory in law with means of which such legal regulation is carried out.

The realized research shows that legal regulation of the public relations in the sphere of social administration with land fund is carried out by means of law precepts which with essentially are administrative and legal. Such precepts of

law often have "a double registration" and at the same time are the part of land and administrative law. As V. Kolpakov considers, it's observed the "penetration" of administrative law into the sphere of other legal branches through the actual existence of the administrative relationship in a subject of different branches of the right. Subjects of public administration of the studied sphere are the central executive authorities with existence of all signs inherent in such bodies; the reach majority of mechanisms (tools) of legal regulation which are realized with means of administrative and legal methods.

All of this, by our opinion, gives reasons to talk about complex character of legal institute of public administration in the sphere of use and protection of lands, belongs at the same time to branches of both the administrative, and land right.

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## **IMPLEMENTATION OF ADMINISTRATIVE PRECEPTS OF LAW IN THE FIELD OF PROVIDING INFORMATION SECURITY OF CORPORATIONS**

Development of information technologies, and also their distribution in different spheres of our life testifies that IT information can have quite real cost. That's why, stable providing of information security is one of the most important problems in information development of technologies in corporations. Its decision consists in learning of administrative and legal forms of identification and prevention of safety in the information sphere, and also management of information security in corporations, choosing of protection means.

External expression of any contents is traditionally considered to be forms external definition. As for information security, its forms should be considered as external expression of the related administrative activity. External manifestation of the specific actions made by public authorities for realization of the tasks set for them is defined in the theory of administra-

tive law and legal forms in the sphere of providing of information security.

The analysis of forms problems of administrative and law regulation in the field of providing information security of corporations testifies that the concrete, carried-out within a certain legal, organizational framework actions of corporation participants and officials with means of which their competence on information security is realized as the most important activities in this area. A question about realization of forms of administrative and legal regulation of information security of corporations has to be as interdepartmental and hierarchically organized security. Forms of an administrative and legal regulation in security information of cooperation provide the centralized management with concrete departmental and administrative functions which ensure monitoring and control of all parts of corporation in general.

**Marc Makarov,**

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## **THE APPEAL TO THE INVESTIGATIVE JUDGE THE DECISION OF THE INVESTIGATOR, USING APPLICATIONS OF SECURITY MEASURES**

One of the participants rights of criminal law proceedings the right for safety self-concerning, birth relatives or members of the family, property and housing. The order of its realization is defined by the Law of Ukraine "About safety of the persons participating in criminal legal proceedings" of 23.12.1993. (Further the Law). Article 2 of this Law defines that the persons who have right for safety in the presence of the corresponding bases are: the person who declared in law enforcement agency a criminal offense or took part in other form of identification, the prevention, suppression or disclosure of criminal offenses; victim or his representative in criminal proceedings; the suspect accused defenders and lawful representatives; the civil claimant, the civil respondent and their representatives on the case of indemnification, caused with a criminal offense; the representative of legal entity concerning whom production is carried out; witness; expert, expert,

translator and witness; members of families and close relatives of the listed above persons if with threats or other illegal actions with the goal to affect participants of criminal legal proceedings become.

Considering the complaint to the resolution of the investigator, the prosecutor about refusal in application of security measures, the investigative judge has to investigate a question, whether there were bases for adoption of this decision or not. The reasons for taking arrangements of safety are the data which tells about existence of real life threat, health, housing and property of the persons participating in criminal legal proceedings.

Measurements of its reality or unreality are subjective. In legal literature it's noted that's necessary to practices and definitions in the law of objective criteria of reality of the specified threat. In other case it's difficult to expect the effective providing of security.

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## **LIMITATIONS OF RIGHTS PROPERTY IN SEPARATE CATEGORIES OF PERSONS DURING MEASURES APPLICATION IN PROVIDING OF CRIMINAL PROCEEDINGS**

Property right - it's the right of the owner who carries out the right of economic owning with property, and liability laws (for example, on indemnification), the authors' rights for reward, laws of succession. Property rights can appear with the reason of actions and other legal facts provided with the civil legislation, and also the actions which aren't provided with the law, but it generates the civil rights and duties on the basis of the general beginnings and sense of the civil legislation.

Property rights of the suspect accused person and other can be limited during performance of such measure of providing criminal proceedings as arrest of property (exactly persons, who carry a civil liability for the harm which was done by actions of the suspect, accused person or the irresponsible person who created socially dangerous

act; the measurement of punishment of criminal and legal character can be applied to legal person in the form of confiscation of property).

Such measures of providing criminal proceedings as temporary arrest of property generally directed on restriction of property rights of the suspect and accused person. At the same time, the current legislation defined also other categories of persons which property rights can be limited during application of measurements of providing criminal property.

In these conditions, the perspective direction of further researches should be considered research about procedure features of application and measures of providing criminal proceedings, which the limit property rights of the specified categories of persons.

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## **CRIMINAL-LAW RECONSTRUCTION AS A BASIS OF TACTICS OF VERIFICATION OF INDICATIONS ON A LOCATION**

Checking of indications on a location gives wide opportunities for using of a criminal law method reconstruction as according to the contents this investigative action provides a reconstruction of a situation and circumstances of a certain event. Thus, as a rule, there is a need to reproduce elements of a situation, appearance of participants of an event, the mechanism of their interaction, etc. The content indications checking on a location is in the fact that investigator offers the person, was interrogated (to the suspect, the witness, the victim), to specify a place of commission of crime, to tell about this event, accompanying in certain cases the story with demonstration of the actions or actions of other persons. Therefore dummies, models of subjects, other material models are used for descriptive reasons and exemplariness. The investigator compares the data received during checking with a real situation on a location and with earlier received indications and other proofs.

If the person objectives of which are verified demonstrates the separate actions can be used substance reconstruction of appearance of the human. Such reconstruction consists a dummy (models) reproduction of personal external signs constitution, growth, weight and other. Reconstruction of appearance is necessary in cases when participation of the supernumerary is impossible as it has life-threatening (when it shows how an assault on the victim was committed, injuries, etc. were caused) in demonstration by the suspect of separate actions it.

Criminal law reconstruction is used as one of the methods realizing the purpose of investigative action verification of indications of the suspect (the victim, the witness) on the locale of the crime. Realization of reconstruction method happens because of policy strokes application and their systems depending on a situation and specific objectives investigative (search) action.

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## **STRUCTURE OF AN INVESTIGATION TECHNIQUE OF DIFFERENT TYPES OF CRIMES AND ITS PLACE IN INTERACTION OF THE INVESTIGATOR**

Topical question of an investigation method with different types of crimes is the question about types and structures of a technique of their investigation (a criminal science technique).

Structural elements of a technique of investigation of separate types of crimes regularities of the organization and planning of investigation are considered such: criminalistic features of information checking out on a crime and opening of criminal proceedings; the investigative versions, circumstances which are the subject to examination, preventive activity of the investigator, and also use of special knowledge and other questions.

Certainly, depending on a type of a crime this or that element of an investigation technique of different types of crimes will have more or less practical value, but it must be a certain system of the developed recommendations which are important for crimes investigation.

Separate investigation techniques, anyway, will have to cover the following main chapter (components): criminalistic characteristic of the corresponding crime type; typical investigative situations at a stage of crime identification and stages of its investigation; criminalistic questions of the criminal proceedings; regularities of the investigation organization and planning; the investigative versions, circumstances which are the subject to examination; the algorithm of investigative (search) actions and operational search actions, is caused with problems of standard investigative situations; features of carrying out separate investigative (search) actions and their complexes (tactical operations); providing coordination of actions in law enforcement agencies in investigation and feature of interaction of the investigator with operational divisions, with the controlling and other government bodies, associations of citizens, etc.