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SOCIO-CULTURAL FACTORS IN THE PROCESS OF JUSTICE SYSTEM REFORMING IN THE DIRECTION OF APPROXIMATION TO EUROPEAN STANDARDS

There were many reforms concerning justice system in Ukraine last years. Legal relations are developing rapidly and without regard to territories and jurisdictions, in the context of globalization and, consequently, global «international communication». The matter of the child rights and child participation in decision making processes is the one of issue which in the focus now. The EU strategy on the rights of the child (2021–24) was adopted on 24th of March 2021. It contains a set of measures for the EU to implement, addressing among others the rights of the most vulnerable children, children's rights in the digital age and the promotion of child-friendly justice. Ukraine has started going toward reforms of justice system which would be responded to the requirements of child-friendly justice standards.

The case of Kurochkin v. Ukraine (app. № 42276/08), decided on 20 May 2010, is illustrative for understanding the importance of the implementation of international standards of child-friendly justice. In the case the national courts annulled the applicant's adoption, despite the fact that in court the adopted boy had expressed a wish to remain with his adoptive father, just as the adoptive father had refused to annul the adoption [1]. The national courts has ignored

the opinion father and his son, didn't use the principle of the best child interest and violated the Convention of Human Rights. The decision points to a number of problems that exist in civil proceedings, in those cases in which children are involved. These problems are mainly due to the fact that children are not perceived as subjects of law and participants in the case due to their age and lack (inadequacy) capacity.

UN Convention on the Rights of the Child 1989, the Convention on the Civil Aspects of International Child Abduction, the European Convention on the Rights of the Child, and more. On the basis of the Convention on the Rights of the Child, the Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice (hereinafter the Guidelines, were developed and adopted on 17 November 2010) set out a list of child-friendly justice standards.

The Guidelines are structured in a hierarchical three-member system: fundamental standards, general elements of child-friendly justice, and elements of child-friendly justice at different stages of the proceedings (before trial, after trial, after trial). European as international standards, as well as the principles of national civil procedure, perform one important function – they affect the content of the system, give the system a new quality, although the system of principles of civil national justice and the system of international standards should not be equated [2]. It is impossible to draw a clear line between European standards and national civil process principles. Quite often there is a transformation of European standards into the principles of national justice. The system of international standards for child-friendly justice proposed in the Guidelines should be considered as a system of tools to implement the basic principle – justice should perceive the child as a subject of law and take into account the age, psychological, behavioral and other characteristics of such a subject. Thus, the principle is one – justice should be child-friendly, and the implementation and enforcement of this principle (standard) is carried out from the formulation of general or fundamental principles to specific rules of conduct. The fundamental principles of child-friendly justice include participation, the best interests of the child, dignity, protection against discrimination, and the rule of law.

However, achieving compliance with norms and standards of the EU is perceived through local historical, cultural and political filters [3, p. 6]. On the issue of criminal justice and juvenile justice, Muncie rightly noted that they continue to function in a way that is specific to local conditions and cultural contexts and reflects the goals of individual politicians and programs [4]. All programs and measures developed in fulfillment of international obligations and the implementation of international agreements, in any case, go through the stage of «nationalization» of the provisions. Standards and rules defined by international documents are adapted and transformed through a range of cultural, religious, political ideas, traditions and values of each state.

Another important point in the «adaptation» of international standards in the field of justice and human rights is the feeling that international standards are perceived as foreign rules. For example, in international civil proceedings, the Lex fori has a de facto monopoly on the settlement of procedural legal relations. In other words, procedural issues traditionally belong to the sphere of Lex fori. The national court applies its own rules and procedures to determine the procedure for considering and resolving a dispute. Here, too, ethnocentrism must manifest itself (albeit in a slightly different aspect than in private international law). Judges are imbued with the concepts and values of the legal order to which they belong, and this affects the very way of formulating the content and subject matter of the dispute to be resolved, as well as the content of the decision to be made [5, 6]. Therefore, the implementation of international standards in the rules of domestic law will be perceived more easily, the feeling of alienation will be lost.

Conclusion. It is necessary to implant the relevant rules in national legislation in the process toward rapprochement national justice system to European standards of justice to reduce resistance to reform. However, it is important to always focus on the experience of others countries and the analysis of the situation from an autonomous angle, as the national vision will always differ from the international one. The special educational programs and courses will help to facilitate the implementation of European standards in the field of justice and to properly understand the changes that are taking place.

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ОКРЕМІ АСПЕКТИ ЗАХИСТУ ДІЛОВОЇ РЕПУТАЦІЇ ЮРИДИЧНОЇ ОСОБИ

Ділова репутація є одним із основних немайнових благ як фізичної так і юридичної особи. Вона безпосередньо впливає на конкурентоспроможність бізнесу. Позитивна ділова репутація має вирішальне значення в сучасному середовищі та дозволяє розширювати ділову мережу, залучати нових клієнтів та висококваліфікованих кадрів.

В юридичній науці поняття ділової репутації не має конкретного визначення. Відсутність єдиного підходу до визначення цього терміну пов'язано з різноманітністю сфер його