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MAKSUROV A. A.

«Yaroslavl State University P.G. Demidov»,
teacher of the Department of Theory and History of State and Law,
School of Law of the University of Paris Sorbonne,
Ph.D., Associate Professor

COORDINATION LEGAL TECHNOLOGY IN UKRAINE

First of all, we will consider the rather developed coordination legislation of Ukraine. For example, the establishment of special coordinating bodies is envisaged.

According to Article 107 of the Constitution of Ukraine [1] The National Security and Defense Council of Ukraine is the coordinating body for national security and defense under the President of Ukraine. The National Security and Defense Council of Ukraine coordinates and controls the activities of the executive authorities in the sphere of national security and defense.

Sometimes the coordination powers of ordinary authorities are mentioned.

In particular, in accordance with paragraph 9 of Article 116 of the Constitution, the Cabinet of Ministers of Ukraine directs and coordinates the work of ministries and other executive bodies.

Coordination mechanisms are also envisaged at the regional level.

For example, by virtue of part 4 of Article 136 of the Constitution, the Government of the Autonomous Republic of Crimea is the Council of Ministers of the Autonomous Republic of Crimea. The Chairman of the Council of Ministers of the Autonomous Republic of Crimea is appointed and dismissed by the Verkhovna Rada of the Autonomous Republic of Crimea in agreement with the President of Ukraine.

The Constitution of Ukraine recorded a large number of rules on consent, but not all of them are coordination in the narrow sense of the word.

For example, according to Article 9 of the Constitution, the existing international treaties, the consent to be bound by the Verkhovna Rada of Ukraine, are part of the national legislation of Ukraine.

The instrument of coordination, coordination of the will of counteragents under the contract or other participants in property relations is widely used

in civil law of Ukraine, which is not typical for the states of the post-Soviet space.

For example, in Part 2 Article 1131 of the Civil Code of Ukraine [2] it is expressly stated that the terms of the joint activity agreement, including the coordination of common actions of the participants or the management of their common affairs, the legal status of the assets allocated for joint activities, the costs and losses of participants, their participation in the results of joint actions and other conditions are determined by agreement of the parties, unless otherwise provided by the law on certain types of joint activities.

In clause 1 of Article 1136 of the Civil Code, it is stated that each participant in a simple partnership agreement has the right to get acquainted with all documents on the conduct of common affairs of comrades. The waiver of this right or its restriction, including with the agreement of the participants, is void.

In clause 1 of Article 671 of the Civil Code, it is stated that if the goods are subject to a certain ratio in terms of types, models, sizes, colors or other characteristics (assortment) under the contract of sale, the seller is obliged to transfer the goods to the buyer in the assortment agreed by the parties.

In clause 5 of Article 672 of the Civil Code, it is stipulated that if the buyer has not refused the goods, the assortment of which does not correspond to the contract of sale, he must pay it at the price agreed with the seller.

If the seller has not taken the necessary measures to harmonize the price within a reasonable time, the buyer pays for the goods at a price that was applied at the time of concluding the sales contract with respect to a similar product.

Pursuant to clause 3 of Article 818 of the Civil Code, temporary residents must vacate their dwelling after the expiry of the agreed period of residence or no later than seven days from the date of presentation to them by the employer or landlord of the demand for the release of the premises.

In accordance with clause 1 of Article 976 of the Civil Code, two or more persons between whom a dispute arose over the right to a thing may transfer this thing to a third person who assumes the responsibility for resolving a dispute to return the thing to a person determined by a court decision or by agreement of all persons, between which there is a dispute.

Coordination is an important principle of building up the vertical of power and the existence of the civil service.

Thus, in part two of Article 19 of the Law of Ukraine «On Civil Service» [3] it is indicated: the number of deputy heads of the central executive authority whose activity is sent and coordinated by the Cabinet of Ministers of Ukraine is determined by the Cabinet of Ministers of Ukraine on the basis of a reasonable representation of the relevant head. «

In the second paragraph of the fifth part of Article 22 of the Law it is determined that the Cabinet of Ministers of Ukraine on a justified representation of the head of the central executive authority whose activity is sent and

coordinated by the Cabinet of Ministers of Ukraine determines the number of deputies of such a leader.

It is also interesting that coordination norms exist in the procedural legislation of Ukraine, which is also not typical for the countries of Europe.

By virtue of paragraph 5 of Article 358 of the Civil Procedure Code of Ukraine [4] a copy of the decision of an international judicial institution whose jurisdiction has been recognized by Ukraine or an application by a person to request a copy of such a decision from a body responsible for coordinating the implementation of decisions of an international judicial institution if it is not available to the person filing the application.

On the basis of clause 6 of Article 359 of the GICP, in the absence of grounds for the return of an application containing a petition of a person for demanding a copy of a decision of an international judicial institution, the jurisdiction of which is recognized by Ukraine, the rapporteur-judge shall immediately issue a decree requesting such a copy of the decision together with its authentic transfer from the body, responsible for coordinating the implementation of the decisions of the international judicial institution.

Traditionally, coordination standards are also extended in the land legislation of Ukraine.

Thus, in points «c», «d», «e» of Article 7 of the Land Code of Ukraine [5] provides that the powers of the Verkhovna Rada of the Autonomous Republic of Crimea in the field of land relations on the territory of the republic include the coordination of state programs for the use and protection of lands, participation in their implementation within the territory of the Autonomous Republic of Crimea; coordination of activities of district and city (cities of republican importance) councils in the field of land relations; coordination of activities of local land authorities; coordination of control over the use and protection of land.

Article 8 (d) of the Code specifies that the powers of the regional councils in the field of land relations on the territory of the region include coordination of the activities of local land resources bodies.

According to clause «c» of Article 10 of the Code, the powers of district councils in the field of land relations on the territory of the district include coordination of activities of local land resources bodies.

In accordance with clause «d» of Article 13 of the Code, the powers of the Cabinet of Ministers of Ukraine in the field of land relations include coordinating the implementation of land reform.

Among the shortcomings of coordination regulation in Ukraine, there can be indicated the lack of coordination standards in such laws as «On Lustration», «On Temporary Measures for the Anti-Terrorist Operation Period», «On Amendments to the Tax Code of Ukraine Relating to Certain Issues of Charitable Aid Taxation», «On Ratification of the Additional Protocol to the European Charter of Local Self-Government on the Right to Participate in the Affairs of a Local Authority», «On Ratification of the Guarantee Agreement («Beskyd Railway Tunnel» Project to Construct the Beskyd Tunnel)

between Ukraine and the European Investment Bank», «On Sanctions», «On Higher Education», «On Government Aid for Business Entities», «On Standardization», «On Metrology and Metrological Activity».

The results of the study we came to the following main conclusions and provisions.

1. Coordination norms used in 6% of the published laws of Ukraine.

2. Coordination norms in the legislation of Ukraine are not used in all cases. We have proposed the use of the coordination rules in the 5 laws of Ukraine.

3. Cases of excessive use coordination standards have not been established.

4. Most often, coordination norms in the legislation of Ukraine are used haphazardly and sporadically. The essence of coordination mechanisms is not disclosed to: coordination (and other forms) only mentioned. Coordination mechanisms are not regulated: not established coordinating rights and duties of subjects, it is not suggested procedures to implement those rights. Accordingly, the coordination rules in the Ukrainian legislation have little quality and potential effectiveness. They do not conform to the high quality and social values of the laws of Ukraine.

5. Revealed several cases of mixing in the text of the laws of coordination and other forms of communication. Most often, coordination is misunderstood as cooperation, collaboration, interaction.

We believe that the effectiveness of legislation can be improved by a clearer separation of the forms of communication between the subjects of law, more detailed regulation of the coordinating powers and procedures, the rights and duties of participants of the coordination process.

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