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CONSUMER EXTREMISM AS A PROBLEM OF MODERN CIVIL LEGAL REGULATION

The interest of the press in covering the issue of consumer rights violations by “unscrupulous” entrepreneurs is steadily growing. In turn, the judicial system is literally “choking” on claims related to consumer protection.

So, what is consumer extremism? According to the Russian scientist I.N. Kuznetsov it is the unethical use of the provisions of the legislation by consumers on the protection of their rights for profit or personal gain [1, p. 79].

The term “consumer extremism” has appeared in law enforcement practice relatively recently, but at the same time a number of authors have already defined its concept.

Consumer extremism is:

- actions of consumers, carried out solely with the intention to cause harm to the entrepreneur, as well as abuse of their right in other forms;
- abuse of consumers by their special position in the market of goods, works, services;
- deliberate actions of consumers (their accomplices), carried out with the purpose of addressing in their favor the property of entrepreneurs by deception or abuse of special attitude towards consumers.

There is also a simpler concept according to which “consumer extremism” is the behavior of consumers of goods and services, with the aim of obtaining a certain benefit and income by manipulating consumer rights legislation for selfish purposes [2].

What is the cause of the phenomenon? There can be several reasons for this. As options - a desire to make money, satiety with those concessions that sellers are ready to make, etc.

Specialists conditionally divide extremist consumers into three categories:

- 1) people pursuing material goals, i.e. seeking to earn income at the expense of the seller);

2) people pursuing other goals (for example, the desire to receive moral satisfaction at the expense of the seller, to assert themselves, or, as they said earlier, “achieve class justice”);

3) separate category (or an appendage to the previous one?) - citizens with mental disabilities: they behave inappropriately not only in the field of trade and services, but also in other situations [3].

The work scheme of extremist consumers is simple. A person orders a product from a company (work, service). The contract is concluded. Then, such a consumer, using the gaps in this agreement and a good knowledge of the legislation on the protection of consumer rights, begins an “attack” on the company. All means are used to pump money: pressure and blackmail, threats by inspections, complaints to the licensing and controlling authorities, etc. A lot of people are ready to give up at this stage. It is better to part with a certain amount of money than to deal with the state represented regulatory bodies. If the seller is not broken, an appeal to the general courts follows with claims for the protection of consumer rights. A citizen is exempted from paying a fee on such claims - thanks to the legislation. Therefore, in the event of a loss, the consumer does not risk anything [3].

Attention should be paid to the provision on compensation for moral damage. Articles 4 and 22 of the Law of Ukraine speak of its compensation, but only in the context of protecting the rights of the consumer, the sufferings and other components of the moral harm of the seller are not specified anywhere. It can be seen that compensation is closely related to the determination of the guilt of the seller, and not the moral suffering of the buyer [4].

The same position has the Supreme Court of Ukraine, which in its document Judicial Practice on Consideration of Civil Cases on Consumer Protection (2009-2012) dated 01.02.2013, noted the following: «When resolving consumer protection disputes, we should understand, that the burden of proving of circumstances exempt from liability for failure to perform or improper performance of an obligation, including for the harm caused, should be born by the seller (manufacturer)» [5].

So, we can conclude that the issues of consumer extremism are not well-regulated by our legislation. It means that the fruitful work of the rule-makers in this direction is necessary. It is important to implement the principles and norms of equalization of consumers and sellers, service providers and manufacturers. In the case of rooting of such provisions, not only one of the parties wins, but also the judicial branch in the whole. It is understood that the consumer-extremist, while knowing the consequences, will be less likely to seek legal protection.

This, in turn, will help to reduce the workload of the judiciary, which will be able to direct its actions on solving of really important cases.

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СТАНОВЛЕННЯ ТА РОЗВИТОК ЦИВІЛЬНОЇ АВІАЦІЇ В УКРАЇНІ

Перш ніж фантазія про політ втілилась у реальність, суспільству довелося пройти довгий та тернистий шлях від мрії до нагальної потреби в реалізації всіх ідей в повітроплаванні та авіації. Для того, щоб здійснити ці ідеї, необхідно було, щоб цивілізація досягла того рівня розвитку, коли сформована технічна та наукова база для здійснення польотів.

Поштовхом для становлення авіації в Україні стало створення в 1909 р. Київського товариства повітроплавання, з якого вийшла величезна кількість авіаконструкторів Російської імперії, таких як: П. Нестеров, В. Іордан, Ф. Білінкін, брати Касьяненки, О. Кудашев, Г. Адлер, Ф. Терещенко, І. Сікорський та багато інших. Тут протягом всього трьох років (1909-1912 рр.) було випущено близько сорока літаків. 05.06.1910 професором Київського політичного інституту