initial defects of public property privatization, ineffective functioning of public administration, and unwillingness of authorities to protect enterprises' rights and interests and so on. But the most important origin of corporate raids' extension is the immense penetration of corruption both into judicial as well as law-enforcing systems, allowing raiders to receive false enforcement orders (judicial decision), escape liability for committed crimes and use public authorities in raid schemes. Reports of international organizations and opinions of experts confirm this statement and therefore indicate the most important directions of legislation and public policy improvement in the way of corporate raids resistance.

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UDK 342

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THE CURRENT STATE OF EUROPEAN ADMINISTRATIVE LAW

In countries of the EU, for an extensive period of time, research has been conducted regarding the general principles and standards of general-European administrative law. Recommendations for countries-candidates to the European administrative space (EAS), including Ukraine, were created in light of this scientific research. European Administrative Law was established in the 1980's regulating the activities of the bodies of power in the countries - member of the

European Union. In terms of integration of Ukraine's intentions seems to be important to analyze the sources, principles and characteristics of European administrative law.

In 1994 the European Commission, as a EU executive authority, in the Communique "The development of administrative cooperation on the implementation and enforcement of executive law in the internal market" [1, p. 42] proposed a framework of administrative cooperation of the EU "The Community framework for administrative cooperation" in this area. The Sources of EU legislation was define:

1) the main law (articles of incorporation and the general principles of law);

2) international treaties of EU;

3) secondary legislation, regulations, guidelines and recommendations, general and individual decisions;

4) general principles of administrative law;

5) convention between member countries " [2, p. 60].

EU legislation contains both specific and general principles of law. For example, *The European Court* of Justice has recognized the following general principles: " 1) the principle of EU responsibility for lesion caused by the actions or decisions of the organs or officials; 2) the principle of "proportionality": the actions and decisions of the European Union should be timely and necessary, aimed to achieve the goal of the Union; however the negative consequences which can be caused by this action or decision cannot go beyond the level of necessity to achieve the goal; 3) the principle of "protection of legitimate expectations", as much as citizens and businesses in the Union plan to operate on the basis of the EU acts, thereafter, the substantial changes of acts should not have retroactive effect, except, when there is an urgent necessity to take such action; 4) the principle of "non bis in idem" (a rule that prohibits double punishment for the same offense): When EU authorities makes any decision regarding the sanctions it is necessary to consider all decisions which have been taken by national authorities concerning this subject; 5) General rights of human freedoms " [3, p. 1].

As noted by V.G. Vishnyakov, "General principles… recognized by principles of Communities if it created or formulated in the specific context of the EU by considering a special mission and under the condition of interpretation of these principles exclusively by the Communities' Court" [4, p. 317].

The special features of administrative law vested in the various EU legal acts: as Constitution and Legislative acts of parliaments, special acts of delegated legislation and the decisions of the courts (case law) concerning disputes involving public administration (Belgium, France, Greece, Ireland and the United Kingdom).

For example, in countries such as Austria (since 1925), Bulgaria (1979), Denmark (1985), Germany (1976), Hungary (1957), The Netherlands (1994), Poland (1960), Portugal (1991) and Spain (1958) conducted codification of administrative procedures - resulting in codified norms, principles of administrative law: [1, p. 8].

Characteristic features of European administrative law is the interpretation of fundamental definitions of this area of law in different countries. For example, in France the term "administrative procedure" considers as a set of rules that should guide the creating of acts (non-judicial administrative procedure) and as a set of rules that should be guided to the proceedings in the Administrative Court (controversial administrative procedure) [5].

Despite "all the differences in the structure of the administrative procedure laws in different European countries, the subject of regulation and most approaches to the regulation of administrative procedures are quite similar, and in recent years accumulated a number of mandatory requirements of regulatory administrative procedures, scilicet principles (or mandatory standards) " [6, p. 62-63].

In conclusion, it is necessary to state that:

1. Modern European administrative law is based on three "pillars" "E": - economics, efficiency, effectiveness and the principle of "rule of law" that must applied in Ukraine through refinement of legislation.

2. The legislation of EU established the institution of effective administration (in the judgment of the European Court of Human Rights № 68/81, Commission v. Belgium (1982), laying down rules for the application of directives and regulations of the Member of EU and encourages national reform organizational and management institutions and decision-making stages to the most effective law enforcement, effective co-operation that is needed for Ukraine.

3. The experience of Central and Eastern Europe demonstrates the need for a comprehensive reform of administrative law in Ukraine from positions "human-oriented" understanding of the law and its need to improve practices of public administration and efficiency.

4. In the implementation of the positive experience of European countries in the field of administrative law our country should avoid capering of identical set of legal norms in domestic legislation. A reference in this process should serve the principles of European administrative law requirements and standards set forth in the documents and pan-European jurisprudence.

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ПРОБЛЕМИ ВИЗНАЧЕННЯ ЗАКОНОДАВЧОЇ КОНСТРУКЦІЇ ОБ'ЄКТИВНОЇ СТОРОНИ СКЛАДУ ЗАЛИШЕННЯ В НЕБЕЗПЕЦІ

Останнім часом у науці кримінального права активізувались дослідження проблем встановлення причинного зв'язку між суспільно небезпечним діянням (дією або бездіяльністю) і суспільно небезпечними наслідками.

Варто зазначити, що деякі аспекти причинного зв'язку при злочинній бездіяльності досліджувалися радянською та сучасною російською доктриною кримінального права. Фундаментальні дослідження каузальних потенцій бездіяльності здійснили такі вчені, як М. Д. Шаргородський, Г. В. Тімейко, В. М. Кудрявцев, Т. В. Церетелі, А. А. Тер-Акопов, В. Б. Малінін, А. Ю. Кошелева та ін. В українській науці кримінального права цього питання торкались Н. М. Ярмиш, О. Л. Тимчук, А. А. Музика та С. Р. Багіров.