

7. Положення про визначення пов'язаних із банком осіб: постанова Правління Національного банку України від 12.05.2015 № 315 // База даних “Законодавство України” / ВР України. URL: <http://zakon5.rada.gov.ua/laws/show/v0315500-15/print1509540346927259>.
8. Щодо окремих аспектів правового регулювання операцій банків з інсайдерами (пов'язаними особами) [Електронний ресурс] / Н. Г. Кравченко // Наукові записки НаУКМА. Юридичні науки. – 2012. – Т. 129. – С. 126-130. – URL: http://nbuv.gov.ua/UJRN/NaUKMAun_2012_129_31.
9. Програма реформування системи бухгалтерського обліку із застосуванням міжнародних стандартів: постанова Кабінету Міністрів України від 28.10.1998 №1706 // База даних “Законодавство України” / ВР України. URL: <https://zakon.rada.gov.ua/laws/show/1706-98-%D0%BF8>.
10. Про Загальнодержавну програму адаптації законодавства України до законодавства Європейського Союзу: Закон України від 18.03.2004 № 1629-IV-III // База даних “Законодавство України” / ВР України. URL: <https://zakon.rada.gov.ua/laws/show/1629-15>.
11. Про бухгалтерський облік та фінансову звітність в Україні : Закон України від 16.07.1999 № 996-XIV // База даних “Законодавство України” / ВР України. URL: <http://zakon1.rada.gov.ua/laws/show/996-14>.
12. Міжнародний стандарт бухгалтерського обліку 24 (МСБО 24). Розкриття інформації про зв'язані сторони : IASB ; Стандарт, Міжнародний документ від 01.01.2012 // База даних “Законодавство України” / ВР України. URL: http://zakon5.rada.gov.ua/laws/show/929_043.
13. *Ткаченко Н. М.* Реформування системи бухгалтерського обліку в Україні з використанням міжнародних стандартів [Електронний ресурс] / Н. М. Ткаченко // Підприємство, господарство і право. – 2001. – № 11. – С. 86-88. // URL: <http://dspace.nuft.edu.ua/jspui/bitstream/123456789/9549/1/9.pdf>.
14. Прес-реліз від 23.01.2018 [Електронний ресурс]. – URL: https://bank.gov.ua/control/uk/publish/article?art_id=62840349.

L. F. Kupina
National Pedagogical University
named after M.P. Dragomanov
Professor of the department
of branch legal disciplines
Faculty of Political Science and Law,
Candidate of Law, Associate Professor

METHODS OF DETERMINING THE EFFICIENCY OF NORMS OF LABOR LAW

The long-term interest of scientists to the problem of assessing the effectiveness of legal norms has contributed to the searching of optimal methods and the justification of criteria for determining the effectiveness of the law since it is the practical definition of the effectiveness of this or that rule of law that makes it possible in the future to adequately respond to the state of legal relations in one sphere or another

The effectiveness of labor law, as well as, any other field of law is not only the theoretical but also the practical problem since it is the practical definition of the effectiveness of one or another rule of law which gives the opportunity to adequately respond to the state of legal relationships in one or another area through the regulation of such legal relations and their improvement.

Nowadays, the solution of the issue of assessing the effectiveness of labor law standards is rather problematic, as in the presence of separate, disparate methods for assessing the effectiveness, there is no clear universal method that would allow to predict the effectiveness of a particular labor law at the stage of its development and adoption, assess the real effectiveness of the norm and determine what steps are needed to improve the legal regulation of certain legal labor relations regulating by the norm, which effectiveness is being investigated. It should be noted, at the same time, that this problem is relevant not only for Ukraine, but also for other CIS countries and Europe, which are only entering the path of development of legal monitoring.

Defining the assessing methods for the effectiveness of legal norms, branches of law and law in general, one shouldn't forget that not all methods are universal and can be applied in determining the effectiveness of any of the elements of the legal state system whether it is a separate rule of law or institution of law.

This is emphasized by V. M. Kudryavtsev, V. I. Nikitinsky, I. S. Samoschenko, V. V. Glasirin. They consider that the effectiveness of large systems of legal guidelines, and even more the effectiveness of law as a whole, in contrast to the effectiveness of legal norms and their low-level systems can't be determined by simple empirical methods. Their effectiveness manifesting as a general tendency in the mass of individual deviations, is determined only qualitatively on the basis of the analysis of socio-historical practice. In this case, the ineffectiveness of individual legal norms and their groups is not significantly reflected in the effectiveness of the entire legal system of the state [2, p. 35].

M. M. Chernogor [1, p. 131-132] highlights the following methods of sociological research to assess the effectiveness of the law in general, which, in our opinion, can also be applied to the definition of the effectiveness of labor law:

– public opinion polling – includes interviews, questionnaires of respondents selected from the general body of legal regulation (for example, surveys of workers, representatives of trade unions, employers' representatives, unemployed or other categories of persons whose rights and interests are regulated by the norms, the effectiveness of which is being investigated) based on the method of probable or quota selection; analysis and generalization of the received data;

– expert interviews – includes selection and interviewing of specialists who can express a competent, professional opinion on issues of interest to researchers;

definition of criteria of expert competence and ranking of their responses depending on the level of competence; elaboration of a generalized opinion of experts (this method, in our opinion, can be applied at the practical level – by interviewing expert practitioners during conferences, round tables devoted to various problems, implementation of specific norms, and at the level of science, when the effectiveness forecast or analysis of the ineffectiveness of the labor law norm may be formed by the relevant expert, based on the positions of science, legislative technique and other purely theoretical foundations);

– focus group – includes the preparation of a scenario for discussing the problem in a small but rather representative group of people who are ordinary members of regulated social relations; selection of focus groups; discussion of the issues under investigation and the development of a coherent position in the process of such a discussion (for example, a discussion of the problem at the level of the collective of the enterprise in determining the effectiveness of the local rule of law, which regulates certain issues of labor relations specifically at this enterprise);

– the monitoring of the implementation of the legal norm is included - a special type of observation as a method of collecting primary sociological information, when the researcher becomes a participant of the circle of relationships which he is studying (for example, the acceptance of a researcher for work at an enterprise, the work of which falls under the regulation of the norm, the effectiveness of which is being investigated);

– experimental analysis (for example, in the form of a retrospective natural experiment – an interpretation of a situation that has naturally developed in the past as an experimental situation). In this case, the event of the past (the adoption of a legal norm) is interpreted as the introduction of an experimental factor. In studies of the effectiveness of the rule of law, such an experiment can be applied in those cases where in practice the various methods of legislative regulation of the same (or similar in nature) social relations have developed and functioned for a certain period of time. Such situations arise under the following conditions:

1) when the legislative regulation has changed, but the object of regulation has not undergone significant changes;

2) when such social relations are regulated by different norms, and the differences in the legal regulation existing in practice are not due to the difference in the objects of regulation (for example, the study of the effectiveness of local norms governing the payment of a premium on the effects of the enterprise in a year – the effectiveness of norms is determined by determining the turnover of personnel before and after the introduction of the norm, which provides for bonus, since the turnover of staff in this case is an indicator of the effectiveness of the introduction of the rule of law).

The method of parallel experiment is considered to be used when comparing the effectiveness of legal regulation of one or another sphere of social relations, in particular labor, in different administrative units of one state or in different states about one level of development of the studied social relations. The use of this method allows us to determine the optimal version of the legal regulation of social relations, based on the experience of various administrative-territorial entities.

In addition to the methods of sociological research, it is worth noting also the following methods for investigating the effectiveness of the law:

– statistical methods of research – can be fruitfully used in determining the effectiveness of labor law. They should be used in the process of gathering information about the actions of the legal rules being studied (typology, target generalization of materials of practice of law enforcement agencies), when discussing the information received (grouping, ranking, correlation and continental analysis, etc.) [3, p. 158].

Using of statistical (and mathematical) research methods is thought to be appropriate in determining of the effectiveness of labor law. The effectiveness of labor law standards can be expressed in digital equivalents (for example, in numeric, percentage the form can be expressed in terms of exemptions, increase in production, the number of injuries in the industry, etc., which are the result of the introduction of this or another labor law).

It is noteworthy that according to statistics, the statistics are of great significance not only and not so much by the digital data themselves, but by a special method that allows us to find a pattern where, at first glance, we see an accident [3, p. 158].

– cybernetic methods – when studying the effectiveness of labor law, technical means of cybernetics can be used to collect and process information about the conditions and criteria for the effectiveness of legal norms.

Thus, the theory of systems, the theory of information, the theory of optimization of management, etc. can be applied to analyze the level of law enforcement activity. Cybernetic systems can be used for counting, storing information, etc. There is evidence in the literature that only 3% of the total number of legal rules pertaining to a particular issue was found. Searching for these norms, the expert did not detect 53% of the rules. When searching for “manually” passes was approximately 13 times more than in the machine search [4, p. 123-124].

Cybernetic methods can be also applied in determining the effectiveness of labor law because, in the transmission of the evaluation process at the discretion of computers decreased availability of human factors, distraction and physical impossibility person with accuracy to calculate certain indicators in the vast array of information that must be processed.

– mathematical methods of measurement and comparison. The study of the effectiveness of the norms of labor law is impossible without measuring those parameters that characterize their effectiveness and coexistence. The measurement method consists of expressing the parameters of the effectiveness of legal norms (conditions and criteria of their effectiveness) in the form of quantitative values for comparison.

It should be also noted that in assessing the effectiveness of the rules of labor law and regulations as any other industry, it is necessary to identify objective factors that positively or negatively affect the outcomes of law enforcement. These include the reversal of public administration in various fields, the restructuring of the system, man-made and natural disasters, financial and economic “failure”, socio-political conflicts and others.

Literature:

1. Legal monitoring: actual problems of theory and practice / Ed. N. N. Montenegro. – Moscow : International Law Institute, 2010. – 232 p.
2. Efficiency of legal norms / VK Kudryavtsev, VI Nikitinsky, IS Samoschenko, VV Glazyrin. – Москва : Yurid. Lit., 1980. - 280 p.
3. Chugunov VE, Chuvilev AA On some areas of application of sociological methods in Soviet procedural science // Problems of sociology of law. – Vilnius, 1970. – Izp. 1
4. Kerimov D. A., Pokrovsky I. F. Experience of using cybernetic tools for automation of information service of law // Vestnik Leningrad. un-that Sir philosophy, economics, law. –L., 1964. – Issue 1.

О. В. Макарова,
кандидат юридичних наук, доцент,
доцент кафедри теорії та історії держави і права
НПУ імені М. П. Драгоманова

ЗНАЧЕННЯ ПРАВОВОЇ ОСВІТИ ТА ВИХОВАННЯ В УКРАЇНІ

Проголошення України суверенною і незалежною, демократичною, соціальною, правовою державою, безсумнівно, вимагає високого рівня правосвідомості та правової культури, які формуються за допомогою правового виховання та правової освіти.

Серед основоположних чинників, які сприяють становленню демократичних засад суспільства та підтримують правопорядок є правова свідомість та правова культура. Як зазначається в проекті “Право і життя”, останнім часом “проблема правового виховання, формування правосвідомості та правової культури в сучасній Україні істотно актуалізується, набуває характеру невідкладної, вимагає вжиття