

Under the provisions of Art. 125 of the Constitution of Ukraine the Arbitration court is not included into the system of courts of general jurisdiction, and therefore is not a body of justice.

Arbitration disputes of parties in civil and commercial relationships are a type of non-state jurisdictional activities to carry out arbitration courts under the laws of Ukraine. Arbitration has certain advantages:

1. The speed and simplicity of dispute resolution as compared with proceedings in the courts of general jurisdiction;
2. Democracy;
3. The parties are free to appoint or elect arbitration court and arbitrators;
4. Privacy;

Unfortunately, the experience has shown that a form of arbitration for resolving disputes has not been honored its distribution in Ukraine. It was caused by several factors: the lack of new effective legislative regulation of arbitration; lack of objective information on the advantages of arbitration among potential participants of arbitration; distrust of some representatives of the legal community to accept such an alternative method of dispute resolution, since arbitration does not provide for appeal arbitration.

The adoption of the Law of Ukraine «On arbitration courts» by the Parliament of Ukraine on May 11, 2004 has become a reference point in updating domestic legislation on arbitration. The law regulates the issue, organization and operation of arbitration, competence, state registration, the arbitration agreement, the formation of the court of arbitration, rules of arbitration, enforcement of the arbitral tribunal, as well as the arbitration authorities. That is why this legislation has extraordinary value to the Ukrainian society and the national legal system.

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THE PROHIBITION OF FORCED LABOUR IN THE LEGISLATION OF UKRAINE

Many international treaties and conventions denote the prohibition of forced labour as one of the main principles in the labour law. The rule of law which declares the prohibition of forced labour we can find in Forced Labour Convention, 1930 (No. 29), Abolition of Forced Labour Convention, 1957 (No. 105), European Convention on Human Rights, 1950, Constitution of Ukraine, 1996 etc. According to Forced Labour Convention, 1930 forced or compulsory labour shall mean all work or services which are exacted from any person under the menace of any penalty and for which the said person has not agreed voluntarily [1]. The convention also requires that illegal extraction of forced or compulsory labour be punishable as a

penal offence, and that ratifying states ensure that relevant penalties imposed by law are adequate and strictly enforced.

In the Ukrainian legislation we don't have exhaustive definition of forced labour but the draft of Labour Code includes this significant information. Also according to the Article 2 forced labour is regarded as one of the main principles of legal regulation of labour relationship [2].

It goes without saying that forced labour is a big problem for the world community and requires immediate solution. All this is confirmed by statistics. International Labour Organization tries to represent unpleasant situation connected with unlawful exploitation of people's labour. Nearly 21 million people are victims of forced labour across the world, trapped in jobs which they were coerced or deceived into doing and which they cannot leave, according to the ILO's new global estimate. The Pacific-Asia region accounts for the largest number of forced labourers in the world – 11.7 million (56 per cent) of the global total, followed by Africa at 3.7 million (18 per cent) and Latin America with 1.8 million victims (9 per cent) [3].

The prohibition of forced labour is regarded as the component of the principle of free labour. Forced labour is the term used by the international community to denote situations in which the persons involved – women and men, girls and boys – are made to work against their free will, coerced by their recruiter or employer, for example through violence or threats of violence. This is the contradiction with the principle of free labour which is constitutionally established. So, the principle of free labour includes the prohibition of forced labour.

Forced labour is any work, which has to be done under the threat of legal liability. The category of legal responsibility is closely related to legal duty. The Forced Labour Convention of 1930 establishes that the term forced or compulsory labour shall not include:

— any work or service exacted in virtue of compulsory military service laws for work of a purely military character;

— any work or service which forms part of normal civic obligations of the citizens of a fully self-governing country;

— any work or service exacted from any person as a consequence of conviction in a court of law

— any work or service exacted in cases of emergency, that is to say, in the event of war or of calamity or threatened calamity, such as fire, flood, famine, earthquake etc.

All in all, forced labour remains one of the most significant problems of the modern world. Many international and national resources and laws are aimed at resolution of this situation.

References

1. Forced Labour Convention, 1930. // [Electronic resource]. – Access mode: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C029:NO

2. Проект Трудового Кодексу України (реєстр. №1658 від 27.12.2014) [Електронний ресурс]. – Режим доступу: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=53221

3. International Labour Organization: 21 million people are now victims of forced labour. – 2012. // [Electronic resource]. – Access mode: http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_181961/lang-it/index.htm

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TEN COMMANDMENTS OF THE GOD –THE NORMATIVE BASIS OF CHRISTIANITY, FOUNDATION OF LEGAL LIFE

Relations of three social institutes of Ukrainian society –the law, the state and the Church were formed during the long period of time, and the dynamics of development of these relations is related to all history of the Ukrainian state. Church has always played an important role in the development of the state of Ukraine. Development of mutual relations of the State and Church, and also the legal fixing of these relations greatly depends on the state. The basis of these relations is envisaged in legislative acts about the rights of conscience, religion and religious organizations. That is why this interplay fully depends on efficiency of realization of rights and freedoms of a person in this sphere, first of all constitutional rights.

On the whole, religious norms, which basis is made by Ten Commandments is the foundation of the law, its spiritual basis, that is why they need more detailed analysis, objective estimation and illumination. The question of mutual relations of rights and religion is represented in the works of such authors as D. Wolf, M. Kozjubra, M. Kravchuk, O. Manylich and others.

The aim of this research work are investigation and illumination of features of religious norms as a basic laws in origin and functioning of the rights. In a legal doctrine an idea of existence of connection between a man and the God has been developed since the past times. This connection provides an individual existence in two spheres, first of all, in the field of metaphysical (spiritual) and in the sphere of human binding rules that are formed mainly by the state at legal level. Such approach, as marked in scientific editions, gives an opportunity to realize the necessity of sequences of human laws and order of the requirements of conventional, that is stipulated by the observance of the God's law. M. Kravchuk noticed that the sacred book of all christians regardless of her choice is the Bible. Some people familiar with the pages of Saint Letter have is an idea, that the Holly Book imposes the authoritarian mode (adherence of clearly certain norms; constantly using as a synonym to the word 'man' the word 'slave' etc.). In our opinion, it is a deeply philosophical book that is built on theological and philosophical theories. Here are some of them. Firstly,»The State is not a representative of the God on the Earth«. Believers are cautioned, that they must