

ABSTRACT

Denys Moiseyenko. Some issues of access to justice in civil cases. The certain issues of ensuring the right to access to justice in civil cases in Ukraine were under consideration in this article. In particular, attention is drawn to the fact that the crisis of the judicial system that has arisen in the state is a potential and actual obstacle to access to justice. It also highlights the existence of certain procedural and financial barriers to access to justice. In particular, it is substantiated that the «threshold of minor cases» in Ukraine is significantly overestimated, the size of court fees does not correspond to the level of well-being of the population, and free legal aid is not available to all strata in need of it.

The article compares the «threshold of minor cases» and the size of the minimum wage in the EU countries and in Ukraine. It has been concluded that in the EU countries the «threshold of minor cases» does not exceed 10 minimum wages, while in Ukraine this threshold reaches 38 minimum wages, and at the discretion of the court – 95 minimum wages. Additionally, the emphasis is placed on the fact that the form of the statement of claim, in accordance with the current Civil Procedure Code of Ukraine, is overly formalized. In turn, this leads to the fact that a citizen is not able to independently defend his rights in court without resorting to the help of an advocate.

It has been concluded that it is necessary to amend some regulations to improve access to justice. In particular, to simplify the form of the statement of claim, to reduce the court fee rates to an adequate level, to significantly reduce the «threshold of minor cases», to improve the laws that rules «cassation filters», to provide an opportunity to receive free legal aid for those categories of persons who receive the minimum wage. In addition, it points to the need to take measures to overcome the crisis in the judicial system.

Keywords: *civil procedural legislation, right of access to justice, court fees, minor cases, free legal aid, crisis of justice system.*

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**ORGANIZATION OF PSYCHOLOGICAL SUPPORT OF THE POLICE, OFFICERS
OF THE NATIONAL POLICE OF UKRAINE AND CADETS (LISTENERS) OF HIGHER
EDUCATION INSTITUTIONS WITH SPECIFIC LEARNING ENVIRONMENT:
FEATURES LEGISLATIVE REGULATION**

Кирило Недря, Катерина Мітченко. ОРГАНІЗАЦІЯ ПСИХОЛОГІЧНОГО ЗАБЕЗПЕЧЕННЯ ПОЛІЦЕЙСЬКИХ, ПРАЦІВНИКІВ НАЦІОНАЛЬНОЇ ПОЛІЦІЇ УКРАЇНИ ТА КУРСАНТІВ (СЛУХАЧІВ) ЗАКЛАДІВ ВИЩОЇ ОСВІТИ ЗІ СПЕЦИФІЧНИМИ УМОВАМИ НАВЧАННЯ: ОСОБЛИВОСТІ ПРАВОВОГО РЕГУЛЮВАННЯ. У статті проаналізовано сучасний стан правового регулювання психологічного забезпечення (супроводження) службової діяльності поліцейських, працівників Національної поліції України та курсантів (слухачів) закладів вищої освіти зі специфічними умовами навчання, які здійснюють підготовку поліцейських (далі – курсантів). Актуальність даної теми визначена тим, що на сьогодні психологічне забезпечення, в тому числі в частині нормативного врегулювання, правоохоронців потребує вдосконалення. Адже чітко простежується слабка обізнаність як і психологів, так і їх реципієнтів щодо особливостей практичного психологічного супроводження

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поліцейської діяльності задля збереження психічного (ментального) здоров'я, що призводить до стигматизації, формальності в роботі, відсутності належної практичної психологічної допомоги. Зазначені фактори зумовлюють відсутність налагодженої системи профілактики та корекції професійних деформацій та психічних розладів працівників поліції.

Діяльність психологічного забезпечення в Національній поліції України регулює обмежена кількість нормативно-правових актів, які визначають комплекс організаційних, методичних, просвітницьких, психопрофілактичних, заходів, спрямованих на збереження фізичного та психічного здоров'я, запобігання впливу ризиконебезпечних чинників службової та позаслужбової діяльності, підвищення стресостійкості, психологічної готовності до дій в непередбачуваних обставинах, профілактиці професійних деформацій, емоційного вигорання тощо.

Безумовно, що розглянутий та проаналізований у статті перелік законодавчих актів не є і не може бути вичерпним, оскільки дана сфера є міждисциплінарною і включає в себе далеко не лише регулювання службової діяльності та її психологічного супроводу, а і купу цивільних взаємовідносин з відповідними органами та службами.

Але ми однозначно маємо відмітити, що навіть у такому вигляді воно є недостатнім та потребує значного доопрацювання. Адже саме детальна регламентація правового аспекту психологічного забезпечення супроводження службової діяльності поліцейських, працівників поліції та курсантів надасть можливість повноцінно їм виконувати свої посадові обов'язки, та службові і службово-бойові завдання шляхом надання поліцейських послуг в сферах визначених законом, а система психологічного супроводження перейти з рівня фіксації статистичних даних на рівень надання кваліфікованої практичної допомоги.

Ключові слова: *нормативно-правове забезпечення, психологічне забезпечення, психологічне супроводження поліцейських, психічне здоров'я, соціально-психологічний клімат, профілактична робота, психодіагностика.*

Relevance of the study. The National Police of Ukraine, as the central executive body that serves society by ensuring the protection of human rights and freedoms, combating crime, maintaining public safety and order, certainly needs constant psychological support of police officers, police officers and cadets to ensure high efficiency of their professional and service and combat duties, in office and off-duty [2, p. 12]. Today, the psychological support of law enforcement needs to be significantly improved, namely the introduction of a well-established system of prevention and correction of mental disorders and disorders, not just their formal fixation as personal qualities or acquired post-traumatic characteristics. Consideration of this issue is primarily important to disclose in the context of the analysis of legal regulation of the organization of psychological support of police officers and employees of the National Police of Ukraine, to determine the vector of further work to improve this issue.

It should be noted that there is a lack of adequate staffing of qualified, professional psychologists who are practically able and psychologically ready to provide adequate support to the professional competencies of law enforcement, provide appropriate support, and effectively perform psycho-correctional, psychotherapeutic work.

Recent publications review. The issues of psychological support and normative-legal regulation of the activity of the service of psychological support of law enforcement officers were to some extent considered in the works of such scientists as: D. Alexandrova, D. Gorbenko, Yu. Irkhin, V. Klimenko, V. Lefterova, S. Maksymenko, T. Malkova, L. Moroz, I. Okhrimenko, O. Timchenko, O. Khokhlina, O. Tsilmak, G. Yukhnovets, S. Yakovenko and others. Scientists have made a significant contribution to the development of scientific support for psychological support of law enforcement and their practical implementation. However, the presence of significant gaps in the regulatory framework requires further research, comprehensive measures to build an effective system of psychological support for the Ukrainian police. Therefore, the analysis of regulatory and legal support of psychological support in the activities of the police of Ukraine in modern conditions remains relevant.

The research paper's objective is a comprehensive study and analysis of the modern legal system that regulates the activities of the psychological support system of the National Police of Ukraine.

Discussion. The legal grounds for providing psychological support to law enforcement officers are, first of all, the Constitution of Ukraine, laws of Ukraine, resolutions of the Cabinet of Ministers of Ukraine, as well as departmental and interdepartmental orders and instructions.

Starting to investigate the above issue, we note that the legal regulation of scientists understand the form of regulation of social relations in a particular field in accordance with the requirements and permits contained in the rules of law and acts.

General legal provisions for psychological support of police officers, employees of the National Police of Ukraine and cadets are carried out in accordance with the Constitution of

Ukraine, Laws of Ukraine «On National Police», «On Education», «On Higher Education», «On Psychiatric Care», Order of the Ministry of Health of Ukraine from 15.04.2008 № 199 «About the statement of the Order of application of methods of psychological and psychotherapeutic influence», Decree of the President of Ukraine of December 9, 2015 № 691 «On the list of positions that can be filled by police officers in state bodies, institutions and organizations», Regulations on the National Police, approved by the Cabinet of Ministers of Ukraine of October 28, 2015 № 877, the Procedure for organizing the system of psychological support for police officers, employees of the National Police of Ukraine and cadets (students) of higher education institutions with specific training conditions for police training, approved by the order of the Ministry of Internal Affairs of Ukraine February 06, 2019 № 88 25.12.2015 № 1631 «On the organization of selection (competition) and promotion of police officers», the order of the National Police of Ukraine from 02.12.2016 № 1257 «On approval of the list of psychological methods», the Instruction on the procedure for attestation of police officers, approved by the Ministry of Internal Affairs of Ukraine и 17.11.2015 № 1465, instruction of the National Police of Ukraine dated 06.11.2017 № 12084/01 / 12-2017 «On improving the psychological support of police officers during official investigations», methodological recommendations of the Ministry of Internal Affairs of Ukraine «On providing medical and psychological rehabilitation, psychological support and adaptation to the injured participants of the ATO» (from 31.08.2015 №31868 / Тх), letters from the leadership of the National Police of Ukraine on explanations of the psychological support of police officers.

The constitution of our state does not have a clear definition of psychological (mental) health and the peculiarities of its preservation. However, accordingly Art. 49 of the Constitution of Ukraine, everyone has the right to health care, medical assistance and medical insurance [7]. Health care is provided by state funding of relevant socio-economic, health and health prevention programs.

According to the definition of the World Health Organization – «Human health is not only the absence of disease, but the state of physical, social and spiritual well-being». According to the above source, mental health is a state of well-being in which everyone can realize their potential, cope with life's stresses, work productively and productively, and contribute to the life of their community. Therefore, it is quite logical to focus on the Constitution of Ukraine in providing psychological support to police officers, police officers and cadets, in terms of ensuring the legal right of law enforcement officers to mental health care and receiving appropriate assistance.

The Law on the National Police is the main normative act regulating the activities of law enforcement officers. The issue of regulating and ensuring the mental health of law enforcement officers is not directly addressed in this document. At the same time, in Art. 95 defines the guarantees of medical care for police officers and members of their families, the obligation to undergo an annual medical examination (medical examination), including psycho-physiological examination and testing in the manner prescribed by the Minister of Internal Affairs of Ukraine. Separate chapters VI and VII (Articles 47-52, 55, 57, 60) define the features of selection for police positions, competition for vacancies, general principles of service, including transfer to management positions, positions with a higher workload and guarantees of professional activity (Article 62) [2, p. 24-54]. The activity of the system of psychological support of police officers is focused on these areas of psychoprophylactic work, according to the Procedure for organizing the system of psychological support of law enforcement, approved by the order of the Ministry of Internal Affairs of Ukraine from February 6, 2019 № 88 [11].

Separately, when analyzing the legal support of psychological support of police officers, we pay attention to the Laws «On Labor Protection», «On Education», «On Higher Education», «On Psychiatric Care», but they do not have a direct interpretation of the psychological support of this categories [1; 3–5]. Thus, these documents explain the selection of candidates for positions, guarantee decent working and study conditions, identify features of the legal aspect of psychiatric care and mental health itself, given the lack of defined in the above and other further described departmental regulations. legal acts are a guide for the organization of practical activities.

In the context of this work, we conducted a detailed analysis of regulations of the second level, namely departmental orders, orders, which allow to better reveal the essence of the organization of psychological support of police officers.

The main regulatory document for psychological support of law enforcement, as already

mentioned, is the Procedure for organizing the psychological support of police officers, National Police and cadets, approved by the order of the Ministry of Internal Affairs of Ukraine from February 6, 2019 № 88. According to which the main tasks psychological study (psychodiagnostics), psychological training, psychoprophylactic work, support and optimization of socio-psychological climate in teams; psychological support of police officers, including in the course of their operational activities and investigative actions, psychological support of the educational process in the Free Economic Zone and institutions (institutions) of the National Police, which provide training for police officers [11].

The analysis of normative-legal regulation of psychological support of militiamen was carried out through the prism of these tasks and directions.

Psychological study of the objects of psychological support – the process of determining the person's leading individual psychological characteristics, qualities and traits, motivation, emotional reactions and states, level of intelligence, cognitive and emotional-volitional spheres, how to make independent decisions and responsibilities for their implementation, the general development of communicative qualities and leadership trends, propensity to manage, forecasting stress and success, psychological readiness to serve in extreme situations. Specialists of the psychological service carry out psychodiagnostics, study the individual psychological characteristics of candidates for the service, police officers before appointing them to managerial positions or business trips to (from) the zone of Joint Forces Operation (ex ATO – Anti-Terrorists Operation) and compiling relevant certificates. This activity is regulated by the order of the Ministry of Internal Affairs of Ukraine dated 25.12.2015 № 1631 «On the organization of selection (competition) and promotion of police officers», the order of the National Police of Ukraine dated 02.12.2016 № 1257 «On approval of the list of psychological methods», certification of police officers, approved by the order of the Ministry of Internal Affairs of Ukraine 17.11.2015 № 1465, order of the National Police of Ukraine dated 06.11.2017 № 12084/01 / 12-2017 «On improving the psychological support of police officers during official investigations», Guidelines of the Ministry of Internal Affairs of Ukraine «On providing medical and psychological rehabilitation, psychological support and adaptation to the injured members of the ATO» (from 31.08.2015 №31868 / Тх), letters from the leadership of the National Police of Ukraine to clarify the implementation of psychological support for police officers. According to the above regulations, psychodiagnostic activity is mainly a fixation of existing personal qualities or acquired post-traumatic personality traits, formal provision of recommendations, which leads to stigmatization of this activity in general and recipients in particular.

Information on the results of psychodiagnostic examination of police officers is confidential, in accordance with the order of the National Police of Ukraine dated 10.05.2021 № 385 «On approval of the List of information constituting official information in the National Police» (Chapter X) and it is marked «For official use». It is important to note that in compliance with the regime of confidentiality, quality and reliability of written psychological certificates (profiles), the preservation of the obtained data is carried out by employees of psychological support units. High responsibility for confidentiality on the one hand and entering the relevant certificate on the results of the diagnostic study in the personal file of a police officer on the other, lead to depersonalization of recipients in diagnosing, writing a profile, formalities in general.

Psychological training of psychological support is a process of formation of police officers, police officers, cadets of professional and psychological reliability, resilience, readiness for various conditions of work and extracurricular activities, constructive communication skills and interaction with various categories of the population [11]. This area is implemented through training, practical classes and briefings. According to the orders of the National Police of Ukraine from 26.01.2016 № 50 «On approval of the Regulations on the organization of training of employees of the National Police of Ukraine», from 21.01.2020 № 51 «On approval of Amendments to the Regulations on the organization of training of employees of the National Police of Ukraine» using the information and telecommunication system «Information Portal of the National Police of Ukraine» (Educational Portal) remotely, and therefore the practical activities of psychologists are minimized in lectures.

Psychological training of police officers by psychological support specialists is carried out not only through lectures, but also through the use of training technology and targeted briefings. It should be noted that regulations governing and determining the organization of activities in this area are absent, so the activities of psychologists in terms of specialized

psychological training is based on basic guidelines, which are not always appropriate in working with law enforcement.

Psychoprophylactic work in the system of psychological support is carried out in order to maintain the optimal working capacity of police officers, to minimize the impact of adverse factors on their work, maintaining their psychological and physical health. This area involves targeted psychodiagnostic research, rapid diagnosis, counseling, psychocorrection measures, the functioning of psycho-training complexes, psychological self-regulation rooms (unloading), assistance in organizing and conducting psychological rehabilitation of police officers who were in extreme situations, including Joint Forces Operation (ATO) [11]. The above aspects of psychological support are not additionally regulated by any legal acts, only defined by the Procedure and partially above the documents on the regulation of psychodiagnostic work, so carried out by specialists of relevant services at their discretion, according to their qualifications and training.

It should be noted that according to the order of the Ministry of Health of Ukraine dated 15.04.2008 № 199 «On approval of the Procedure for applying methods of psychological and psychotherapeutic influence», a psychologist in a public institution may be a person with appropriate basic education, qualification level «master (specialist)» and qualification requirements of the Procedure for organizing the system of psychological support of police officers, employees of the National Police and cadets, psychologists of psychological support departments are persons of appropriate qualification [9; 11]. However, no legal act stipulates the increase of relevant specialization, professional qualification of psychologists, as well as attendance at group and individual supervisions, interventions, personal psychotherapy. The absence of these aspects of professional development of psychological support specialists precludes the provision of qualified counseling, correctional and other preventive work.

Another area of providing psychological support to police officers is maintaining and optimizing the socio-psychological climate in teams. This direction is implemented by monitoring the relationship between colleagues and management, general psycho-emotional attitudes and conditions in service teams, satisfaction with the work performed and its overall effectiveness, the effectiveness of management influence at various levels, as well as identifying factors that affect police performance. Based on the results of generalization of the obtained data, the specialists of the psychological service also draw up an informative certificate with a descriptive analysis and recommendations on measures to correct intra-collective relations.

Specialists and the management of police departments currently pay the most attention to this area, but only in terms of conducting questionnaires and compiling a report on the results, which also confirms the formalism and dry facts of the issue.

We cannot ignore the Methodical materials developed by the specialists of the Department of Psychological Support of the USPRS of the Personnel Department of the National Police (published on 02.01.2018 №2 / 12/2/1 / 02-2-18) on monitoring the socio-psychological climate in police teams, with clear recommendations on methods of its study (test and interpretation material), but with no clear clarification of further practical activities to provide psychological assistance (support) to police teams, correction of relations between their members.

Given the significant shortage, constant staff turnover, mass layoffs, a sharp decline in the age of managers at various levels (27–32 years), we can safely say about the importance of practical work in service teams to form an optimal socio-psychological climate, development of managerial qualities, motivation, etc. Formal fact of the current situation, without quality analysis and further practical work with teams is a waste of time and human resources.

Psychological support of police officers' activities, including in the course of their operational activities and investigative actions, is undeservedly the least defined by law. This is confirmed by the fact that there are many studies and relevant works of scientists on this topic. In this direction, a set of organizational, educational, psychological measures aimed at improving the effectiveness of police officers in ensuring public safety and order, combating crime, by providing psychological advice to police, psychological portraits of suspects, accused, providing the necessary psychological assistance. during interrogations, including minors [11].

Conclusions. Thus, the list of legislative acts considered and analyzed by us is not exhaustive, as this area is interdisciplinary and includes not only the regulation of official activities and their psychological support, but also a lot of civil relations with relevant bodies

and services. But we must unequivocally note that even in this form it is insufficient and needs significant refinement. After all, it is the detailed regulation of the legal aspect of psychological support of police officers, police officers and cadets that will enable them to fully perform their duties by providing police services in areas defined by law, and the system of psychological support to move from statistical to qualified practical assistance.

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ABSTRACT

The article analyzes the current state of legal regulation of psychological support (support) of police officers, employees of the National Police of Ukraine and cadets (students) of higher education institutions with specific training conditions that train police officers (hereinafter – cadets). The urgency of this topic is determined by the fact that today the psychological support, including in terms of regulation, law enforcement needs to be improved. After all, there is a clear lack of awareness of both psychologists and their recipients about the peculiarities of practical psychological support of police activities to maintain mental (mental) health, which leads to stigma, formality at work, lack of proper practical psychological assistance. These factors cause the lack of a well-established system of prevention and correction of occupational deformities and mental disorders of police officers.

The activities of psychological support in the National Police of Ukraine are provided by a limited number of legal acts that define a set of organizational, methodological, educational, psychoprophylactic, measures aimed at maintaining physical and mental health, preventing the impact of hazardous factors of work and extracurricular activities, psychological readiness to act in unforeseen circumstances, prevention of professional deformities, emotional burnout, etc.

Keywords: *legal support, psychological support, psychological support of police officers, mental health, socio-psychological climate, preventive work, psychodiagnostics.*

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**PECULIARITIES OF REGULATION OF INHERITANCE
LEGAL RELATIONS UNDER THE CIVIL LEGISLATION
OF UKRAINE AND EUROPEAN COUNTRIES**

Олександра Нестерцова-Собакарь. ОСОБЛИВОСТІ РЕГУЛЮВАННЯ СПАДКОВИХ ПРАВОВІДНОСИН ЗА ЦИВІЛЬНИМ ЗАКОНОДАВСТВОМ УКРАЇНИ ТА ЄВРОПЕЙСЬКИХ КРАЇН. В статті досліджуються особливості регулювання спадкових правовідносин в Україні та окремих європейських країн. Здійснено компаративний аналіз норм спадкового законодавства окремих зарубіжних країн. Встановлено, що спадкові правовідносини в країнах континентальної Європи регулюються, як правило, нормами відповідних розділів цивільних кодексів, поряд з сімейними і майновими відносинами.

Держави континентальної Європи, поряд з принципом свободи волі заповідача, виходять з необхідності забезпечення інтересів сім'ї, закріплюючи нормами спадкового законодавства механізми забезпечення майнових прав родичів спадкодавця. Доведено також те, що романо-германська правова система розглядає спадкування як універсальне правонаступництво, тобто як заміну особи спадкодавця на особистість його спадкоємця, внаслідок чого до спадкоємця переходять всі права та обов'язки спадкодавця як єдине ціле.

Визначено, що міжнародне співтовариство регулює спадкові правовідносини тривалий час, що пов'язане з тривалістю розвитку наведених держав. Інститут даних правовідносин пройшов певні етапи, та не зважаючи на те, що кожна країна удосконалює та реалізує їх з деякими особливостями, базові принципи спадкування залишаються незмінними, адже інститут спадкових правовідносин є одним із ключових у системі цивільного законодавства. Наголошено на необхідності проведення досліджень у напрямі вдосконалення інституту спадкового договору, зокрема з'ясування змісту інституту спадкового договору неможливе без чіткого визначення прав та обов'язків сторін у ньому.

Ключові слова: *спадкове право, спадкові правовідносини, спадкування, заповіт, цивільне законодавство, зарубіжний досвід.*

Relevance of the study. With the development of foreign economic relations, European integration processes, cultural and trade cooperation between countries and individuals, freedom of movement of capital, intellectual property and labor, it became possible to acquire

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