

1. Конституція України від 28 червня 1996 року // Відомості Верховної Ради України. 1996. № 30. Ст. 141 (зі змінами внесеними Законом України «Про відновлення дії окремих положень Конституції України» від 21 лютого 2014 р. // Офіційний вісник. 2014. № 19. Ст. 583).
2. Про міжнародні договори України: Закон України від 29 червня 2004 р. *Відомості Верховної Ради України*. 2004. № 50. Ст. 540.
3. Бараннік Р. В. Судові, правоохоронні та правозахисні органи України: навч. посіб. 2-ге вид., перероб. і допов. К.: КНТ, 2011. 352 с.
4. Мінімальні стандартні правила поводження з в'язнями. URL: https://zakon.rada.gov.ua/laws/show/995_212
5. Сборник стандартов и норм Организации Объединенных Наций в области предупреждения преступности и уголовного правосудия. Нью-Йорк: ООН, 1992. 334 с.
6. Руководящие принципы в области предупреждения преступности и уголовного правосудия в контексте развития и нового международного экономического порядка // Сборник важнейших документов по международному праву. М., 1997.

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EXTERNAL GOVERNANCE OF THE STATE IN THE CONTEXT OF THE SOVEREIGNTY PROBLEM

Given the general theoretical nature of the work, the author aims to identify those aspects that characterize the loss of independence, state sovereignty, and the transformation of the state into a dependent, externally controlled political-territorial organization of society. This work is greatly facilitated by the presence of well-known interstate and international antagonistic contradictions, which to date remain unsolved within any foreign policy of intervention in domestic affairs by world leaders and supranational organizations, which in turn turns any concept of modern state sovereignty into a romantic work of legal idealism - simulacrum of state power sovereignty.

A careful analysis of modern interpretations of statehood points to a certain character of the gradual penetration of ideas of "de-sovereignization of the state" in favor of supranational structures with the formation of universal standards and values. Thus, in political and legal thought, in the context of St. Man's geopolitical doctrine of controlled chaos, the concept of limited state sovereignty also finds its place [1].

From this perspective, the future of modern sovereign states appears in at least two pessimistic options. The first: a globalized transnational financial oligar-

chy, finally freed from state restrictions, implements a policy of dismantling the sovereignty of nation-states, leaving them only for external attributes, fiscal functions and the apparatus of coercion. The twentieth century was the beginning of such modern trend as: global neocolonialism - a system of unequal (economic and political) relations imposed by Western countries on the rest of the world, based on their military power and the activities of monopolistic capital, international financial organizations and TNCs [2, p. 21-22]. Second: in the era of globalization, nation-states lose some of their sovereignty, and the rivalry of civilizations becomes real: Western, Islamic, Chinese, Indian, Orthodox-Slavic and possibly others [3; p.128]. In the conditions of neoliberal transformation processes it may bring, and in some places it has already brought, to the strengthening of pressure by the superpowers, which, in their struggle for world leadership, seek to form geopolitical clusters of influence. They include other states in the sphere of their interests, forcing them "of their own free will" to give up some of their rights and powers, subject to the provision of support.

In our opinion, the practical implementation of the clash of civilization interests has a downside. Perhaps we are talking about the new life of such, which have already become classic forms of client statehood, as: associated state, satellite state, puppet state, neocolonial state and protectorate. Note that the specificity of official political and legal culture makes it impossible to apply such terms to modern states, but the manipulative nature of the terminology has now become an integral part of the influence on the mass consciousness.

At the same time, if we approach the interpretation of the policy of external governance of the state from a pragmatic position, in its narrowed understanding, the implementation of such a concept does not seem so extraordinary. This thesis is confirmed by the existence of quasi-state formations with different degrees of sovereignty. According to the classification made by the author, a state that is under external control can be attributed to a quasi-state formation, provided that there is a sufficient degree of external control, its efficiency and scale [4].

Thus, in our opinion, attention should be focused on those aspects that determine the essence of external control of the state, namely: purpose, nature, subject, object and signs. The purpose of external control is transformation of a sovereign independent state into a manageable political-territorial organization with formal sovereignty.

Subjects of external governance may be: first, the world's leading states, in the context of globalization, trying to preserve their zones of influence; second, the globalized transnational financial oligarchy, which seeks to finally free itself from state restrictions, and, has full control over the Internet, social networks, advanced information technology, logistics and informal means of coercive pressure on the opposition.

The objects of external governance are nation-states, which, due to various objective and subjective reasons, find themselves in the zone of influence of subjects of external control.

The nature of external governance is, as a rule, latent (latent). Today the latent nature of undemocratic power, the presence of formal democratic features is an integral characteristic of modern neototalitarian forms of state (political) regime, and taking into account that the elitist nature of the state, does not provide real true democracy a priori, we should speak about the crisis of democratic states only because of their formal attributes [5, p.49].

Signs of external governance of the state fairly to consider according to basic spheres of its manifestation and influence, and it are: political sphere, organizational sphere, financial and economic sphere, social and ideological and informational sphere.

The political sphere:

1. Interference in the internal affairs of the state, through direct diktat or indirect influence in order to direct its actions in its own interests.
2. Control over the state's foreign and domestic policies.
3. Using the population and territory of the state for experimental managerial models of political reform.

Organizational sphere:

1. Formation of external interference in the internal affairs of the state by the initiative of power "local elites".
2. A clear division of local elite circles into "insiders" who are involved in external governance and "outsiders" who oppose it, or try to oppose it.
3. Lobbying for personnel appointments to senior positions in central government agencies, state enterprises and institutions.
4. Informal support for the activities of radical organizations and their use as pressure groups against opposition political and social forces.
5. Organization of illegal parallel reporting as an element of external control over officials of the central office.
6. Attracting citizens of other states to senior positions in government organizations as "agents of influence".
7. Holding meetings and consultations by "agents of influence" with state officials and representatives of local self-government.

Financial and Economic Sphere:

1. Formation of the state's financial dependence on supranational financial organizations and funds.
2. Funding and granting of desired areas of activity.
3. Creating opportunities for additional funding for loyal government officials from the central apparatus.
4. Using the population and territory of the state to test dubious financial and economic projects.
5. Formation of supervisory boards with foreign representatives as "agents of influence" to run state enterprises and institutions.

The socio-ideological and informational sphere:

1. Ignoring the aspirations of the majority of the population of the state in

favor of their own interests and the interests of "their" elites.

2. Adjustment of the ideological foundations of the development of the state and society deprived of the historical truth inconvenient for the curators.

3. Preventing the consolidation of the society of the governed state with potential opponents of the subject of external governance.

4. Interference in educational, linguistic and religious policy, in order to strengthen their own managed influence and to counteract the presence of other extraneous subjects.

5. Facilitating the sublimation of social tensions to the search for an external and internal enemy.

6. Creating a system of unofficial censorship, while formally proclaiming allegiance to the principles of freedom of speech and the press, acting through control by supranational netocratic entities over social networks, video hosting, and other media.

1. Mann, Steven R. *Chaos Theory and Strategic Thought // Parameters (US Army War College Quarterly)*, Vol. XXII, Autumn 1992, pp. 54-68.

2. Горелов А.А., Бронников И.А. Глобальный неоколониализм и проблема суверенитета. *Власть*. 2015 № 2. С. 44-50.

3. Горелов А.А., Горелова Т.А. Глобализация и глобальный неоколониализм. *PolitBook*. 2013. № 3. С. 115-131.

4. Талдикін О.В. Поняття та класифікація квазідержав. *Науковий вісник Дніпропетровського державного університету внутрішніх справ*. 2017. № 1. С.70-80.

5. Талдикін О.В. Сучасні недемократичні форми державного (політичного) режиму. *Науковий вісник Дніпропетровського державного університету внутрішніх справ*. 2019. №1. С. 19-25.

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ПРАВОВЕ РЕГУЛЮВАННЯ ВИЗНАЧЕННЯ ЧАСУ ВІДКРИТТЯ СПАДЩИНИ

У багатьох країнах світу спадкове право виокремилось із сімейного права та з розвитком ринкових відносин стало підгалуззю цивільного права. Подібну трансформацію пережило і спадкове право України. Поняття «час відкриття спадщини» вперше було визначено саме у римському праві, і ним вважався день смерті спадкодавця. Спадкоємці поділялися на два види: домашні спадкоємці, тобто ті, які входили до складу сім'ї померлого, його дому, пос-