

Conclusions. The current state of activity of local self-government bodies in the field of health care in Ukraine does not meet the needs of territorial communities, which testifies to the crisis state of health of the population at local and national levels, social inequality in the availability of medical care, irrational infrastructure of the industry by types of medical care, the need to improve the quality of health care services. The issue of health care reform requires further refinement, sufficient financial support and informing community members about how health care delivery will change after decentralization.

To date, there are four priority areas of healthcare reform proposed for local governments by the Ministry of Health: autonomy of medical facilities, provision of medical facilities with computers, creation of appropriate infrastructural conditions for primary care physicians, transportation of patients to the doctor primary link.

INFLUENCE OF TRADITIONS OF LAW ON LAW-MAKING IN KIEVAN RUS'

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Introductions. National law-making is inconceivable without taking into account the significance of the existence of a legal system based on ideas that reflect national legal awareness. That is why close attention should be paid to the formation of the national legal system at key stages in the development of Ukrainian society. One of these stages is the period of Kievan Rus'.

Aim. The purpose of the work is to identify the nature of the influence of the traditions of law on law-making in Kievan Rus'.

Materials and methods. Among the methods used to achieve the purpose of work, we distinguish the following:

- a dialectical method aimed at proving the integrity of the influence of the traditions of law on law-making in Kievan Rus';

- methods of analysis and synthesis, which are used to mentally separate the stages of the influence of the traditions of law on law-making in Kievan Rus' and their further meaningful combination to emphasize the integrity of this influence;

- a hermeneutics method is used for the author and critical interpretation of the content of scientific works of scientists, which more or less contain research on the problem of the article;

- the possibilities of the comparative method were used to identify the results of the influence of the "Western European" and "Byzantine" tradition of law-making in Kievan Rus'.

Results and discussion. It should be noted that since the formation of Kievan Rus', the Ukrainian lands were the scene of confrontation between the Western and Eastern traditions of law. Therefore, Yu.M. Oborotov speaks about the peculiarity of “developmental place” of Ukraine, which allowed these traditions of law to be reflected in its legal culture in a specific way, I. Shevchenko speaks about the “East-West” place of Ukraine, I. Lysyik-Rudnytskyi speaks about Ukraine as a “country of borders”, V. Lipinsky - about the cultural space of Ukraine as a “synthesis of the West and the East”.

Ye.O. Kharytonov believes that the Western tradition of law is represented by a relatively clear boundary between legal and other institutions, the influence on legal institutions of legal thought, which analyzes and systematizes law, by recognizing the advantages of law over political power, confidence in the possibility of a civil society and rule of law. Its basis was the "Western European" tradition of law; in turn, the basis of the latter became legal values that were formed in antiquity, over time it was “modernized” by attracting Christian values in the Western (Catholic, Protestant)

interpretation, and from the 15th – 16th century, it gradually transformed into a “western” tradition of law (due to the spatial expansion of the "Western European" tradition, improving its content).

On the other hand, the “eastern” tradition includes Muslim, Jewish, Buddhist, Far Eastern, African legal traditions. In the historical aspect, the legal traditions that existed in those states that at a certain chronological stage ceased to exist (Ancient Egypt, Mesopotamia, China and India) should be attached to it. The “Byzantine” tradition is an element of the historical development of the “Eastern” tradition, and its “front line” in the spatio-temporal dimension. The uniqueness of the “Byzantine” tradition was a conglomeration of ancient, Hellenistic and Eastern cultural traditions, elements of both classical and revised Roman law, the remnants of democracy and Eastern despotism, the uniqueness of the “Asian mode of production”, classical slavery and colonies etc.

Given the above, it is more correct to speak not of global “competition” in Ukraine of the “Western” and “Eastern” traditions of law, but of the historical influence of the “Western European” and “Byzantine” traditions. One of the characteristic features of the law of Kievan Rus' was conventionalism: in the texts of Rus-Byzantine treaties of the 10th century along with purely Byzantine norms, Rus' legal customs were also reflected (especially with regard to inheritance, monetary fines for various crimes).

But at the end of the 10th century, Rus adopted Christianity in the Byzantine version, which caused the emergence of a new institution - the church. To secure the legal status of this institution, the "Church Statute of Prince Vladimir" and the "Church Statute of Prince Yaroslav" were published. They coexisted with the Byzantine law dispositions of religious crimes, the institution of Church courts, tithing and prohibition of pagan wedding ceremonies, Rus' sanctions for committing religious crimes, broader jurisdictional powers of the Church court both in relation to the range of subjects and the content of cases.

In the XI - beginning of the XII century, "Rus'ka Pravda" was published. One of the reasons for its appearance was: 1) filling in the gaps that occurred in the new

conditions, and could not be settled by customary law; 2) the replacement of those norms no longer corresponded to reality. Based on the specific historical conditions, the strengthening of political and trade relations between Rus' and Byzantium, the unity of their religious platform, and the objectively Byzantine legal group constituted a source for borrowing. But at the same time the reception existed in minimal sizes on the principle of complementarity: we are talking about partial similarity, additions in the necessary parts for this. It should also be noted that the reception concerned the rules of private law (primarily inheritance law). The public legal sphere (especially criminal law) of the Rus' was fundamentally different and was based on local law.

After the second quarter of the 12th century, Kievan Rus' enters into a long period of fragmentation. In the legal field, the principalities remained within the traditions of Rus'ka Pravda; they began to form own customary legal systems; despite this, in the cities of the Kingdom of Galicia–Volhynia after the middle of the 13th century, German enclaves emerged, whose life was regulated by the norms of Magdeburg Law (a kind of conglomerate of urban German and Roman law), which testifies to the growing influence of the “Western European” tradition of law.

Conclusions. Based on the above we can draw the following conclusions:

1. In its historical development, Ukrainian law occupied a certain niche at various regional and spatial levels, which can be determined by the following concepts: “location in Eastern Europe”, “Christian culture”, “Eastern European subcivilization”, “between East and West”, “area of distribution of Western European or Byzantine traditions of law”, “arena of opposition to Western European and Byzantine traditions of law”, “symbiosis of Western and Eastern legal cultures” etc.

2. The “Western European” tradition of law has become the source of the formation of the “Western” tradition and was partially reflected in the Romano-German and Anglo-American legal families. The “Byzantine” tradition of law has historically developed as a branch of the “Eastern” tradition and is based on a synthesis of the elements of culture and law of the countries of the ancient, Hellenistic, Middle Eastern world, and the values of the Orthodox religion.

3. A common feature of the influence on the law of Ukraine during the 10th - 18th centuries of “Western European” and “Byzantine” traditions was its discreteness, and the difference: influence over chronological cycles, geography of distribution on Ukrainian lands, the volume, content and form of reception, the sphere of regulation of public relations. The preservation of national legal traditions in the law of Ukraine was due to the powerful action of Ukrainian customary law, the rules of which were in force throughout the period we studied, and acquired special significance during periods of influence between the cycles of influence of the “Western European” and “Byzantine” traditions of law.

ПРИЧИНИ, ЯКІ ОБУМОВЛЮЮТЬ НЕОБХІДНІСТЬ ТЛУМАЧЕННЯ ПРАВА

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Вступ. Законотворчий процес завжди пов'язаний із фрагментарністю зміни нормативних положень та існуванням часових проміжків в реалізації законотворчої ініціативи. Все це спричиняє нечіткість нормативних приписів та відповідну необхідність їхнього подальшого тлумачення правозастосовчими органами та теоретиками права. Дослідження та розуміння причин, які обумовлюють необхідність тлумачення з урахуванням особливостей різних галузей права є завжди на часі.

Мета роботи полягає у визначенні причин, які обумовлюють необхідність тлумачення права.

Матеріали і методи. В загальній теорії права розроблено базові підходи щодо тлумачення норм, але вони потребують більш пильної уваги та

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