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THE UNIFICATION OF INTERNATIONAL PRIVATE LAW

The intensification of the process of international economic integration in the context of globalization, and other processes has objectively led to the development of the unification of international private law.

International private law aims at providing uniform regulation of various institutions: the international sale of goods, banking, international road, rail, air and sea transport. In addition to these areas, there new areas of legal relations have recently emerged, which had not previously been subjected to unification, in particular: e-commerce; transparency and openness of the activity of legal entities operating in the territory of offshore zones; new types of contractual obligations; torts; certain institutions of family law (such as “international” surrogate motherhood), etc [2].

Private international law is that part of the law of any State, which comes into operation when a court is called upon to determine a suit containing a foreign element. Such a foreign element may exist, for instance, because a contract has been made or is to be performed in another State or because the recognition of a divorce obtained by persons domiciled abroad may arise. Because the courts of the other State may also be asked to exercise jurisdiction in the suit, or because the laws of that other State may be different to those of Ukraine, in determining the proceedings before it, a Ukrainian court may be confronted with a conflict of laws. Such conflicts are resolved by applying the rules of private international law [1].

To varying degrees, the rules of private international law, which have been developed in Ukraine, will be different to those developed in other States and indeed, there are probably as many systems of private international law rules as there are States and therefore national legal systems.

Private international law is the body of conventions, model laws, national laws and other documents and instruments that regulate private relationships across national borders. Private international law has a dualistic character, balancing international consensus with domestic recognition and implementation [3].

There are principal international organizations involved in private international law. Each of these organizations maintains an Internet site, which contains information about their current work and archives of earlier documents, as well as status information on their conventions [4].

The Hague Conference on Private International Law, which traces its origins to the 1893 conference, is “the world organization for cross-border co-operation and commercial matters.” It develops conventions in various areas of private law, addressing topics ranging from traditional issues such as choice-of-law rules and jurisdictional rules to contemporary issues such as child abduction.

The International Institute for the Unification of Private Law (UNIDROIT) traces its origins to the League of Nations and is today an autonomous international organization active in “modernizing, harmonizing and coordinating private and in particular commercial law as between states and groups of states and to formulate uniform law instruments, principles and rules to achieve those objectives”.

The United Nations Commission for International Trade Law (UNCITRAL) was established by a resolution of the UN General Assembly in 1966. It is the active catalyst for some of the most significant work in the progressive harmonization of private international law. The UNCITRAL site contains primary documents and status information about established instruments.

Issues related to the unification of private international law in the framework of the existing integration organizations have also increasingly attracted the scholarly interest. An overview of contemporary issues of unification of international private law allows concluding that unification, in its various forms, methods and instruments, has been and remains a regular trend of international private law.

In conclusion, we must state that unification in the field of international private law is a component part of Ukrainian integration to European Union.

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PROSECUTOR AS A SUBJECT OF LEGAL PROCEEDINGS

The prosecutor is the subject of a criminal process, which according to Art. 121 of the Constitution of Ukraine is entrusted with: supervision of observance of laws by the bodies of pre-trial investigation, inquiry and operative-prosecution jurisdiction; maintenance of state prosecution in court; representation of the interests of citizens or the state in court in cases determined by law; supervision of observance of laws in execution of judicial decisions in criminal cases, as well as in the application of coercive measures related to the restriction of freedom of citizens. In criminal proceedings on behalf of the CPC of Ukraine, the prosecutor carries out supervision, investigation, prosecution and representation of the interests of citizens or the state.

Supervision is the activity of the public prosecutor for ensuring the rule of law, accurate and equal understanding and enforcement, in compliance with laws by executive authorities, pre-trial investigation, ensuring human rights and freedoms in the activities of enterprises of institutions, organizations and officials.

The prosecutor loses supervisory powers when considering the case in court. He also cannot supervise the execution of powers of an investigating