

Впродовж тривалого часу світова філософсько-правова думка базувалась на протистоянні прихильників природного та позитивного права. В подальшому інтерес до природного права відроджується, що стало наслідком гуманізації позитивно-правової норми. Якщо раніше природне право певною мірою відкидало позитивне, а позитивне, навпаки, не визнавало інших джерел права, крім закону, то сьогодні можна помітити деяке їх взаємопроникнення і взаємозв'язок, що яскраво демонструють численні праці вчених із цього питання та приклади закордонної судової практики.. Неухильне слідування закону, цілковите утримання від його тлумачення відповідно до власних уявлень про право змінюється періодом, коли судді надається право не лише широкого тлумачення закону, але і його виправлення.

Література

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Kovrygina O., higher education seeker
first (bachelor) level,
National Aviation University, Kyiv, Ukraine
Scientific advisor: Vodolaskova K. Yu., Ph.D., Associate Professor

US POLICE: HISTORY AND LESSONS FOR TODAY

Nowadays, the US police work very well and efficiently. Ukraine should pay attention to foreign police, to improve their work, it is possible to follow someone's historical path. There is even a method to become successful: to repeat the path of a successful person. This is how Ukraine can repeat the path of development of the police of another country.

There is no single police department in the United States; therefore, the term "US police" is used informally. Instead, each state, as well as each major city, and sometimes even a smaller town, has its own police department,

independent of the others. Large transport companies may also have their own police departments [1].

The state police perform the following functions: monitoring the observance of traffic rules on state roads and interstate highways, monitoring the security of the Capitol, protecting the state governor, training new officers for the local police (police academies), helping local police in special cases [2].

More than 350 years ago, America's first law enforcement system was established in Boston. As soon as the colonists settled there in 1630, local rites allowed the appointment of constables. Shortly after April 1631, the townspeople formed a "temporary" consisting of six guards, one constable, and several volunteers who patrolled at night, walking in rounds. Initially, they conducted a combination of compulsory and voluntary participation.

In the 17th century, they usually reported fires, maintained order in the streets, raised "cries" (chasing suspected criminals with loud shouts to raise the alarm), and captured and arrested offenders. Constables had similar tasks, which included maintaining health and sanitation, as well as bringing suspects and witnesses to court - often for behavior such as working on Saturdays and mistreatment of animals. In more rural, sparsely populated areas of the colonies, the sheriff was a major law enforcement official. Sheriffs' responsibilities included filing legal documents such as filing a lawsuit, filing a lawsuit, and collecting taxes. In many cases, the sheriff was paid a fixed amount for each task he performed, some, for example, received a fee based on the amount of taxes they collected. Sometimes these tasks were dangerous. In fact, the first known American peacekeeping officer to be killed in the line of duty was Sheriff Cornelius Hogbom, who was shot dead on October 22, 1791, while trying to file an exile. This early system of policing was built on the structure of the English, which included "temporary", constables and sheriffs (derived from the British term "share raise") in a public police organization. (Interestingly, the British system evolved from a "family police service" dating back to about 900 BC, in which law enforcement was in people's hands and they were responsible for their families or "relatives.") Early action Law enforcement agencies have been reactive, and rather than preventative, times usually respond to criminal behavior only at the request of victims or witnesses. And, with monetary incentives in certain areas, apprehending criminals has not always been a priority [4].

As word of the Boston "temporary" spread, other colonies began to create their own. New York (then the Dutch colony of New Amsterdam) was established in 1652. Before the whistles, law enforcement officers used wooden rattles and their clear noise to send for help even in the 19th century.

In the 1700s, more people settled in the city, and more shops and businesses were built, which meant more work. Seaports that were noisy with sailors and merchant ships. abroad, pushed the trade class economy, but also

caused unprecedented social problems that affected law enforcement. Taverns were built to entertain sailors in port cities, and public drunkenness, fights, and prostitution became more common. As police work became more labor-intensive and difficult, fewer men volunteered to observe, and many shied away from duty. Imposing fines on those who do not show up will only punish the poor - those who are most unable to pay. To curb this, some cities and towns have set a fee. In 1749, Philadelphia passed a law that reconstructed the system in an attempt to solve these problems. Officials now called guardians, with the power to hire guards as needed. Their powers were increased and the tax was paid. Not all male citizens were required to work during the call, and only men interested in paid work applied. Reforming Philadelphia was not the final decision, but it did make progress and inspired others to make similar improvements.

Even with positive developments, the colonial law enforcement system still required radical change. During the industrial revolution of the early 19th century, the number of factories, buildings and people increased significantly. For example, in 1830 New York jumped out of a population of 33,000 in 1790 to 150,000 [3].

The general boom in industrial growth and overcrowding has led to more crime, unrest, public health, race, socio-economic disparities and general discord. A new and improved system of law and order, first introduced by England in 1829: a stronger, more centralized, precautionary police aimed at preventing crime rather than responding as soon as it happened. It was taken as a basis for improving the US system [3].

In 1833, Philadelphia organized an independent round-the-clock police force. In 1838, the Boston Police Force was formed, and the day police and night watch worked independently. In 1844, New York accepted this statement, becoming the New York Police Department in 1845. Police stations are now headed by police chiefs appointed by political leaders. Although it still had its drawbacks, this "new" method of policing is more like a modern police force [5].

Today, new technological advances, scientific discoveries and comprehensive research are aimed at improving the efficiency of law enforcement agencies through the introduction of innovative technologies, equipment, training and more. The formation of a new patrol police in Ukraine provided use of police training experience in the United States and Georgia. Thus, it can be concluded that a thorough study of the history and mechanisms of the United States can improve the work and development of the Ukrainian police.

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Кожемяка Т.Ю., здобувач вищої освіти
першого (бакалаврського) рівня,
Національний авіаційний університет, м. Київ, Україна
Науковий керівник: Рибікова А.В., к.ю.н., доцент

ПРАВО ЯК ВОЛЕВІЯВЛЕННЯ ОСОБИ

Волевиявлення – це зовнішня об’єктивна форма виявлення волі особи. Способи волевиявлення можуть бути різноманітним: усно, письмово, жестом, певною дією, мовчанням. Воля формується особою певним чином шляхом усвідомлення нею того, що відбудеться, її прагнень та бажань до цього і їх виразу в такій формі, щоб вони стали зрозумілими і сприйнятими іншими особами. Від усвідомлення і волі людини залежить здійснення нею тієї або іншої дії, і, якщо її вчинено, ми можемо надати цій дії відповідну юридичну оцінку.

Воля як психічний процес формується вільно, і правил щодо порядку її формування не існує. В подальшому вона трансформується у волевиявлення. І вже на цій стадії важливе усвідомлення особою тих меж, за які не допустимо виходити при виявленні нею своєю волі. Завдяки виразу волі особи зовні вона має стати зрозумілою іншим. Зовнішній вираз волі йменується волевиявленням. Виходить, що внутрішня стадія формування волі перебуває насамперед у психічній площині, а зовнішня – у площині дій. Зіставлення внутрішнього та зовнішнього процесів з очевидністю демонструє численні складнощі, які спіткають їх взаємоузгодження.

Видається, що оскільки воля, будучи внутрішнім бажанням особи вчинити правочин, є проявом її психологічної діяльності, про яку судити