

І цієї Конвенції, зазначає, що громадяни кожної з держав-учасниць, а також особи, які проживають на території цих держав, можуть користуватися на території всіх інших держав-учасниць таким самим правовим захистом своїх прав та свобод, як і громадяни даної держави. Іноземці, які проживають на території держав-учасниць, мають право на вільне звернення до суду, прокуратури або інших установ цієї держави [3].

Виходячи із вище зазначеного, іноземні громадяни на території України наділені такими самими правами та обов'язками, як і громадяни України. Іноземні громадяни мають право на звернення до суду та на захист свої прав та свобод. Обсяг правового захисту, який надається іноземним громадянам, визначається національним режимом. Викладені положення дають змогу стверджувати, що чинне українське законодавство не містить обмежень щодо цивільної процесуальної правоздатності та цивільної процесуальної дієздатності іноземних суб'єктів. Відповідно до національного законодавства, процесуальна правоздатність та дієздатність іноземців та осіб без громадянства в Україні визначається відповідно до права України. Так, іноземці та особи без громадянства можуть виступати сторонами справи в цивільному судочинстві України, бути носіями загальних та спеціальних процесуальних прав та обов'язків сторін, якими наділені громадяни України, та мати низку ознак як позивача чи відповідача у справі.

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PROTECTION OF THE RIGHTS OF AIR PASSENGERS AND THE RESPONSIBILITY OF AIR CARRIERS

Problem statement. The importance of this topic will not lose its relevance until flights, airports and tour agents exist. Even now, including the situation that's happening around the world with COVID-19, each person who became a passenger of airplane must know his/her rights and where or to whom shall be

made a complaint.

The main point is to clarify what rights air passengers have and the responsibilities of air carriers.

This issue is mainly regulated by the Civil Code of Ukraine, but the Air Code also plays an important role in addressing issues related to air transportation. The advantage of the Civil Code is that it is more widespread and contains more rules that can also be applied to air transportation and regulation of legal relations in other ways, which in the meantime the Air Code can not provide.

Accordingly to the Air Code of Ukraine, Section XIII passenger`s rights for compensation in the event of refusal of carriage, cancelation or long-term delays of airplanes.

The provisions of this section apply to passengers (scheduled and charter flights) who are denied carriage against their will or whose flight is canceled or delayed, provided that the passenger has a confirmed reservation for the flight and is present for check-in at the time specified by the carrier and specified in writing (including electronic means), or, if check-in time is not specified, no later than 45 minutes before the specified departure time, or booked a flight delayed / transferred by the carrier or charterer of the aircraft (tour operator) to another flight for whatever reason delay / transfer.

The provisions of this section shall not apply to passengers traveling free of charge or at a reduced cost which is not directly or indirectly available to other passengers, but these provisions shall apply to passengers who are issued tickets under the carrier's frequent flyer program (loyalty program) [1].

Most flights are canceled due to the low occupancy of the aircraft and it is not profitable to carry a very small number of passengers. In the event of such a cancellation, airlines are usually notified within 2 weeks, in which case no compensation is paid. However, there are situations when the flight delay is canceled, and in this case, the airlines must take you to your destination on the first possible flight and return the money within 7 days of cancellation. In such cases, the amount of compensation can range from \$ 135 to \$ 650.

Askold Klus, CEO of MyAviaHelp explains several action that each person shall do for insuaring in case of such accidents. First of all, you need to obtain a document with a stamp confirming the fact of cancellation and / or replacement of the flight. Find a representative of the carrier, for example, at the check-in counter for the flight or at the airline's ticket office.

If you are in the waiting room, you can meet such a worker at the gate (landing gate), where the plane should take off. Be sure to keep tickets, boarding passes and luggage tags, in other words, everything you receive at check-in and in general, all the documentation is important to keep with you. You can also take photos of the departure board, which show the current time and status of your flight, it will not be superfluous. Collect all receipts for food,

hotel and taxi (bus, train) that you had to pay due to the cancellation of the flight, then and compensation.

Airport (airline) employees can successfully claim compensation if the flight cancellation was due to the fault of the carrier, and not due to such force majeure as, for example, weather conditions or a strike. In this case, the breakdown of the aircraft does not apply to force majeure [2].

The State Aviation Service of Ukraine more establishes the status of compensation and its amount of compensation for which the recipient must pay in any circumstances, approved by the order of the State Aviation Service of Ukraine:

1. In case of flight delay:

- for 2 hours or more for flights up to 1500 km;
- for 3 hours or more for flights from 1500 to 3500 km;
- for 4 hours or more for other flights

provided by the carrier's standards of food and soft drinks and the opportunity to make two free calls, or send a telex / fax or e-mail.

2. If the flight is postponed to the next day, the following must be provided: hotel room, meals and provision of transfer on the route airport - hotel - airport.

3. If the delay of the aircraft is at least 5 hours, then in this case there is a refund of the ticket or part thereof, change of route under appropriate transport conditions to the final destination, as soon as possible or later at the request of the passenger and subject to availability. Forced refusal of transportation, payment of compensation for long-distance flights:

1500 km or less - 250 Euros

1500 - 3500 km - 400 Euro

over 3500 km - 600 Euros

The carrier has the right to reduce the specified compensation by 50%, if the passenger is offered to replace the route to the destination with alternative flights, the arrival time of which, in flight, does not exceed the planned:

2 hours - for flights of 1500 km or less; or

3 hours - for flights with a range of 1500 - 3500 km; or

4 hours - for flights over 3500 km.

2. At the passenger's choice:

If the passenger no longer wishes to travel: reimbursement of the ticket price or part thereof within 7 days; return flight to the starting point of departure at the first opportunity [3].

To sum up everything that has been stated so far about protection of the rights of air passengers and the responsibility of air carriers is that each person who became a passenger shall know his/her rights, so then they can firstly know what to do in such cases of violation of their right, and secondly how to protect themselves when nobody else in that exact moment can't provide a legal protection. It is obvious that you have the right to make a claim for

compensation to the airline that caused the flight to be delayed or canceled, but here is an important moment that you should know regulatory acts and laws so that you create a correct claim and judge can satisfy it. However, this requires knowledge of the law in order to clearly explain the situation and explain where your rights have been personally violated and what compensation you expect.

Literature

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CRIMINAL LIABILITY FOR MISLEADING A COURT IN CIVIL PROCEEDINGS: THE ISSUE OF PROSECUTION OF FOREIGNERS

Ukraine is in the process of reforming its legislation to build an effective justice system. Only one activity of the court is not able to ensure the high quality of justice in the conditions of the dishonesty of other participants in the trial. Besides, at the present stage, in terms of simplified conditions for the movement of persons between states are growing, the number of cases that are considered with the participation of a foreign element, the prosecution of which has its own characteristics. Consequently, the reforms of the legislative level have to take into account such features. At the same time, the improvement of legislation requires the creation of effective mechanisms for its implementation. An important guarantee of ensuring the quality of judicial proceedings is the reliability of the information provided by participants in civil proceedings during the consideration of a civil case. The guarantee of which is the possibility of applying criminal liability under Article 384 of the Criminal Code of Ukraine, for misleading into the court, including to a foreigner or a stateless person. In the implementation of this type of liability provisions, several