which, if to be precise, the main condition would to improve the mechanism of state regulation in the area of development of renewable energy while taking into account international experience along with further implementation of international legal norms and stardards into the legal framework of our country.

For this purpose, in particular, there is a striving need to: carry out technical and economic assessment of the use of foreign equipment in the Ukrainian natural conditions; further improve legislation in the field of renewable energy (including the development of a clearly defined legal framework of accession to electricity generating plants); adopt the National Action Plan for the development of renewable energy up to 2020 and to coordinate it with other strategic documents in the field of energy; provide priority lending on concessional terms for companies that manufacture equipment that produces energy from renewable sources as well as energy companies working on alternative energy sources; review the priorities of the national energy policy in the direction of strengthening the energy efficiency and conservation and to adopt necessary legal and regulatory framework for the use of fuel and energy resources and operation of residential and public buildings; develop sectoral programs to improve energy efficiency in industrial and residential sector; simplify the procedure for issuing permits related to land use for businesses that follow the National Action Plan for Energy Efficiency until 2020.

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LEGAL AND PSYCHOLOGICAL CHARACTERISTICS OF PLEA AGREEMENT IN THE CRIMINAL PROCEDURE LEGISLATION OF UKRAINE

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Summary

In this article author researches the juridical-psychological peculiarities as to the assembling of the agreements about confession of guilt at Ukraine legislation between the party of charge and the party of protection.

Key words: agreement about confession of guilt, prosecutor, suspect, accuse, court.

Аннотация

В этой статье автор исследует юридико-психологические особенности составления соглашений о признании вины между стороной обвинения и стороной защиты в уголовно-процессуальном законодательстве Украины.

Ключевые слова: соглашение о признании виновности, прокурор, подозреваемый, обвиняемый, суд.

The relevance of the article is that the introduction of "agreements in criminal proceedings" became one of the most promising and controversial novels of the criminal procedure law and practice in Ukraine. A block of new rules under Chapter 35 "The criminal proceedings on the basis of agreements", introduced by the Criminal Procedure Code of Ukraine on May 14, 2012, laid the basis for the formation of a new legal institution and development of the competitive criminal proceedings in Ukraine [2]. This legal institution provides for two types of agreements concluded in criminal proceedings: plea agreement and agreement on reconciliation. Plea agreement is made between the prosecutor, representing the prosecution, and the suspect or the accused, which represent the defense. Such an agreement can be also called "agreement with justice".

Problem statement. Securing new special order of criminal proceedings based on the plea agreement in the Criminal Procedure Code of Ukraine means creating a new ideology of criminal policy of the state: crime counteraction through a compromise, agreement, including incentives for persons who have committed criminal offenses, to cooperate with the authorities.

The degree of scientific development of the problem. Research of legal and psychological characteristics of the problem was made in the works of many scientists, including D.O. Aleksandrov, V.H. Androsiuk, V.F. Boiko, V.V. Zemlianska, H. Zer, L.I. Kazmirenko, V.O. Konovalova, M.V. Kostytskyi, O.I. Kudermina, V.T. Maliarenko, V.Ya. Marchak, D.M. Maksymenko, V.S. Medviediev, N.V. Nestor, I.M. Okhrimenko, M. Wright, O.K. Chernovskyi, Yu.V. Shepitko, O.M. Tsilmak et al., however, the institution of agreements in criminal proceedings is unexplored from the standpoint of legal psychology, causing many disputes about its theoretical provisions among scientists and application among practitioners.

The purpose of the article is stipulated by the need to improve and develop the institute of agreements in criminal proceedings, which significantly contribute to the efficiency of its operation in the field of criminal justice.

Basic exposition. The theory of procedural law determines that a plea agreement has the following advantages:

– for the accused – the avoidance of uncertainty as for the type and amount of punishment by the results of the court proceedings; in some cases – the use of alternative punishment or its decrease, the possibility of release from punishment;

– for the prosecutor – possibility to reduce budget expenditures and save procedural time; reducing the burden on the prosecutor as for the state accusation in court, providing more effective criminal justice system; eliminating to some

extent the prospects of judgment appeal (reviewing by the appeal and cassation institutions).

The criterion that determines the possibility and feasibility of initiating and concluding plea agreements is the availability of public interest in providing quick pre-trial investigation and court proceedings, detecting more criminal offenses and also in preventing, detecting more serious criminal offenses. However, materials of the proceedings show that the pre-trial investigation, despite the formal structure of committed criminal offenses and the suspect's (the accused's) plea of guilt, is fully made, thus the full range of search and investigation is involved, as a result, procedural terms are not reduced, but the agreement actually concerns just punitive measure [5].

For full legal and psychological characteristics of features of a plea agreement it is necessary to analyze the legal basis and the terms of this agreement, as well as to determine its sides, rights, duties and psychological characteristics.

Legal grounds for the conclusion of plea agreements are stipulated by Chapter 35 of the Criminal Procedure Code of Ukraine "Criminal proceedings on the basis of agreements". The legislator has provided the possibility of concluding such an agreement at the initiative of the prosecutor or the suspect or accused.

The plea agreement between the prosecutor and the accused or suspect may be concluded in the proceedings concerning criminal offenses, little or medium crimes, grave crimes, which resulted in the damage to a state or public interest [2, p. 469]. Making plea agreement can be initiated at any time upon notifying the person about suspicion before the court leaving for the jury room for making a judgment.

Entering plea agreement in criminal proceedings in respect of an authorized person of the legal person who committed a criminal offense in respect of which proceedings are carried out against a legal person, as well as in criminal proceedings, which involves the victim, is not allowed. That is, the law bars the plea of guilt over the offenses or criminal offenses, resulting in inflicting damage on the rights and interests of both individuals and legal entities, as well as in criminal proceedings concerning grave crimes regardless of the number of agents who were harmed as a result of such criminal offenses. Taking into consideration the requirement of the procedural law that a plea agreement shall be entered in the criminal proceedings in respect of the above criminal offenses, provided that they inflicted damage only to national or public interests, taking into account that in the Special Part of the Criminal Code of Ukraine (p. 356 art. 232-1 Chapter 2, art. 359 Chapter 3, art. 364 Chapter 1, art. 364-1 Chapter 1, art. 365 Chapter 1, art. 365-1 Chapter 1, art. 365-2 Chapter 1, art. 367 Chapter 1, art. 382 Chapter 3) there was coined the term "public interest" rather than "society interests", despite the fact that these phrases differ semantically, in the context of the Criminal Procedure Code of Ukraine they should be understood as identical [1].

It is necessary to point out that if in one criminal proceedings the person is suspected, accused of committing several unrelated (independent) criminal offenses, and as a result of committing one of them there was a damage to the rights and interests of citizens or legal entity (i.e., there is a victim involved in criminal proceedings), the plea agreement in relation to other criminal offenses cannot be made in this case. However, it is possible to conclude a plea agreement in criminal proceedings, in which there was previously made an agreement on reconciliation, and therefore the materials of the criminal proceedings were sorted out in a separate proceeding.

Considering the subject of a plea agreement from the standpoint of legal and psychological characteristics of its conclusion the following elements can be singled out:

– the concept of a plea agreement;

– the order of drafting and conclusion of plea agreements;

– the order of sentencing in the case of a plea agreement.

In the study of the subject of the plea agreement the conditions stipulated in the agreement are of particular importance. The immediate condition of this agreement is the possibility of applying criminal law regarding the suspect or the accused, in case of following terms and obligations set forth in the agreement by the latter.

The legislator sets certain requirements for the content of the plea agreement, namely, it must include its peculiarities, wording of suspicion or accusation and its legal qualification indicating the article (part of the article) of the Law of Ukraine on criminal responsibility, the circumstances, essential for proper criminal proceedings, unconditional plea of guilt in a criminal offense made by the suspect or accused, the duties of the suspect or defendant to cooperate in detecting the criminal offense committed by another person (if appropriate arrangements took place), consistent punishment and consent of the suspect, accused to the punishment or release from it on probation, the consequences of making and approval of the agreement, non-execution of the agreement. Also, the agreement shall contain the date of its conclusion and it must be signed by the parties [2, p. 472].

It should also be noted that some difficulties arise when wording of the content of the plea agreement. Thus, in accordance with art. 472 of the Criminal Procedure Code of Ukraine in the plea agreement there shall be noted unconditional plea of guilt by the suspect, accused in committing criminal offense (mandatory component of the agreement content) and obligations of the suspect or defendant to cooperate in detecting the criminal offense committed by another person (if agreed) (i.e., optional, or a secondary part of the agreement content).

Analyzing such mandatory condition as unconditional plea of guilt in the plea agreements, there were found the cases where it was stated in the agreement that the suspect or the accused pleaded guilty unconditionally, and materials of proceedings denied such a plea – a person in the whole or in the part of the prosecution didn't plead guilty or this issue was not emphasized.

Besides, it should be noted that the suspect or the accused is required unconditional plea of his guilt in a criminal offense and its obligation to cooperate in solving the criminal offense committed by another person and consent to the sentencing or the sentencing and release from its serving on probation.

But the condition itself is a requirement that relates to one of the parties of the agreement. However, the legislator does lay down any specific requirements on the suspect's or the accused's actions, behavior and testimony at the pre-trial investigation or trial, which would

give the court a legal basis to mitigate punishment in accordance with the law.

However, these actions of the suspect or defendant shall comply with the criminal law, which establishes that the mitigating circumstances are as follows: appearing with confession, sincere contrition or active assistance in detecting a crime, voluntary reimbursement of inflicted damage or removal of inflicted damage etc. Among the terms of the agreement, which would give the court right to acknowledge them as those which mitigate punishment of an accused, there should be provided such terms as assistance in the detection and prosecution of other participants in the offense, property tracing, extracted as a result of a criminal offense that would mean active promotion not only on the actual identifying of other offenders, but also the creation of formal evidence for their prosecution.

There are no clear criteria of the activity of the person who has entered into the plea agreement and the nature of his cooperation in detecting the criminal offense committed by another person.

At the same time the active promotion is also a conscious desire to provide effective assistance in solving crimes rather than passive execution of the investigator' or prosecutor' recommendations.

Undoubtedly, a person who seeks to reduce the amount of punishment or be exempted from it must consciously and proactively provide effective assistance in the investigation of criminal offenses. However, a characteristic feature of the active social action aimed at helping law enforcement agencies engaged in criminal proceedings, is its social utility and legal justification or necessity. Although passive performing of investigator's or prosecutor's tasks, beneficial in proving guilty of the criminal group can also be evaluated as a basis for the plea agreement.

Also, it should be emphasized that since the plea agreement may be also made in the proceedings concerning grave crimes, of great significance is the justification of providing the ratio of public interest and private interest of the suspect or accused. In this case, the public interest as for the awarding of appropriate punishment can be subject to interest in increasing the efficiency of the pre-trial investigation. That is, in exchange for an agreed sentence the suspect (accused) would facilitate detection of accomplices, report the scheme of the criminal activity and so on.

During the study it is found that more than half of the plea agreements are concluded by prosecutors with the only condition for the suspect – unconditional plea of guilty in the court, and the majority of them are proceedings under the art. 309 of the Criminal Code of Ukraine (illegal actions with drugs without intent to sell). Thus, the task of detecting the people who sell drugs is not solved, because such terms are not available in the agreements. This primarily relates to proceedings in which the fact of drugs purchase from an unidentified person is set.

Agreements in such cases, despite the fact that such agreement is an optional (subsidiary) part of their contents, do not meet liable public interests by the purpose of their making, as aimed solely at meeting the private interest of the suspect or accused to mitigate punishment.

In our opinion, it is necessary to expand or specify conditions of activity and behavior of the suspect or the accused in the plea agreement because mitigating conditions of the punishment of the accused specified by the agreement may occur not as a result of an increase of the amount of his positive post-criminal behavior, but as a result of the fact that there is an agreement on the unconditional plea of the guilt in the criminal proceedings. This approach is wrong, even from the standpoint of inevitability of punishment, adequacy of offense with punishment. For example, in the context of cooperation in detecting the criminal offense committed by another person, we can mention providing incriminating testimony in the court, giving documents, items, participation in the investigation (search) operations, during which the person specifies sources of evidence, location of persons, things, documents etc.

Of course, the text of the criminal procedure law cannot predict and specify all the actions of the suspect or the accused, which may be useful to fully solve the crime, establish and institute criminal proceedings against all people guilty in committing the crime. Therefore, to improve the provisions of art. 472 of the Criminal Procedure Code of Ukraine, which provide the content of the plea agreement, the words "committed by another person (if there have been appropriate agreements)" should be followed by the words "and other activities that promote full disclosure of the crime and defining guilty of its committing".

Another obligatory prerequisite of such agreement conclusion is the ability and voluntary desire of the suspect or the accused to make active steps to facilitate the investigation, because no one can make any of the parties conclude such an agreement. This condition is necessarily revealed by the court when making a judgment.

If the consent to conclude an agreement has not been reached the fact of its initiation and allegations that have been made to achieve it, cannot be considered as a waiver of prosecution or as a plea of his guilt. If criminal proceedings are carried out for several persons suspected or accused of having committed one or more criminal offenses and consent on agreement conclusion has not been reached with all suspects or defendants, the agreement may be concluded with one (several) of the suspects or defendants. The criminal proceedings against the person(s), which agreed, are subject to be singled out in separate proceedings [2, p. 469].

The criminal procedure law regulating peculiarities of plea agreements, in our opinion, contains another significant contradiction. Regardless of the name of the document (contract, agreement etc.) it deals with unilateral commitments of the suspect or defendant to take certain actions that first of all must be described by him in its request for an agreement conclusion and be included in the text of the agreement in the future. Within the statutory procedures the implementation of these commitments by the accused may result in considering his criminal proceedings by the court in a specific order with the use of the criminal law that significantly mitigates punishment. In the event of default or breach of the obligations by the accused (partial plea, giving false testimony, statements or hiding any other significant circumstances of the crime from the investigation), criminal proceedings against him is considered in general terms.

However, the law does not provide the guidance which positive commitments for the suspect or accused are undertaken by the party of the agreement represented by the prosecutor. After all, one cannot

assume the prosecutor's duty, stipulated by the legislator, to consider the following factors when making a plea agreement as the commitment:

1) the extent and nature of the assistance of the suspect or the accused in making criminal proceedings against him or others;

2) the nature and gravity of the charges (suspicion);

3) if there is some public interest in ensuring rapid pre-trial investigation and court proceedings, detecting more criminal offenses;

4) the existence of a public interest in preventing, detecting or stopping a greater number of criminal offenses or other more serious criminal offenses [2, p. 469].

In addition, it is clear that the Criminal Procedure Code of Ukraine does not define the limits of agreements on penalties between the prosecutor and the suspect (accused) because it is a scope of the material, rather than criminal procedure law. Thus, the prosecutor, giving the suspect some promises must be guided not by the sense of justice, but unambiguous provisions of the Criminal Code of Ukraine, including the following:

1) if there has been a preparation for the crime – the term or amount of punishment cannot exceed half the maximum term or amount of the most severe punishment prescribed by the article sanction (sanction of the part of the article) of the Special Part of the Criminal Code of Ukraine (art. 68 Chapter 2);

2) if there has been an attempt to commit a crime – the term or amount of punishment may not exceed two-thirds of the maximum term or amount of the most severe punishment prescribed by the article sanction (sanction of the part of the article) of the Special Part of the Criminal Code of Ukraine (art. 68 Chapter 3);

3) if the person acted as accomplice, instigator, organizer or minor artist – his punishment may be awarded below the limits set by the relevant article sanction (the part of the article) of the Special Part of the Criminal Code of Ukraine, in the case of multiple circumstances which mitigate punishment a softer kind of basic punishment not specified in the article sanction (sanction of the part of the article) of Special Part of the Criminal Code of Ukraine (art. 68 Chapter 4, art. 65, 69 Chapter 3) may be awarded;

4) if a person performed a special task, participating in an organized group or criminal organization to prevent or disclose their criminal activity, and being a part of an organized group or criminal organization intentionally committed a serious crime associated with the onset of serious consequences – punishment in the form of imprisonment may not be imposed on him for a period longer than half the maximum term of imprisonment prescribed by the law for this crime (art. 43 Chapter 3);

5) if there are several circumstances that mitigate the punishment and significantly reduce the gravity of the crime – punishment may be prescribed below the limits set by the article sanction (the part of the article), or a softer type of primary punishment not mentioned in the article sanction (the sanction of the part of the article) of the Special Part of the Criminal Code of Ukraine (art. 69) may be imposed;

6) if there are circumstances that mitigate the punishment provided for in paragraphs 1 and 2 Chapter 1, art. 66 of the Criminal Code of Ukraine, there are no circumstances aggravating punishment, as well as in case of the defendant's pleading his guilty, the term or amount of punishment may not exceed two-thirds of the maximum term or amount of the most severe punishment prescribed by the appropriate sanction of the article (the sanction of the part of the article) of the Special Part of the Criminal Code of Ukraine (art. 69-1);

7) in case of multiple offenses final punishment can be defined (since it is awarded for each crime separately) by means of absorption of less severe punishment by more grave, and not by adding the assigned punishments in full or partially (art. 70 Chapter 1);

8) supplementary punishments imposed for the crimes in the committal of which the person has been convicted (art. 70 Chapter 3) may not be added to the basic punishment imposed for multiple offenses;

9) in case of the aggregate sentence the unserved part of the previously assigned punishment can be partially, but not completely added to the newly assigned punishment (art. 71 Chapter 1 and 5);

10) when sentencing a juvenile, in addition to the circumstances provided for in the art. 65–67 of the Criminal Code of Ukraine the living conditions and upbringing, the influence of adults, the level of development and other minor's personal characteristics shall be taken into account (art. 103) [1].

As for release on probation, under the Criminal Code of Ukraine, it is of three kinds:

1) a general exemption from the sentence by means of a correctional labor, service limitations, restriction of liberty and imprisonment for a term not exceeding five years (art. 75 of the Criminal Code of Ukraine);

2) release on probation for pregnant women and women with children under seven in the form of restriction of liberty or imprisonment for a term not exceeding five years for offenses that are not grave and particularly grave (art. 79 of the Criminal Code of Ukraine);

3) release of a juvenile on probation, sentenced to detention or imprisonment for a term not exceeding five years (art. 104 of the Criminal Code of Ukraine) [1].

In this case there appears a strange situation: the plea agreement is made between the prosecutor and the suspect or accused which perform all their obligations independently and the court takes the prosecutor's obligations imposing sentence not exceeding the limits specified in the agreement. This casts doubt that the document is an agreement, since it lacks the obligation of one party (the prosecutor's one). Undoubtedly, the above fact is noteworthy because, despite the bilateral nature of the agreement, the prosecutor's obligations are not mentioned. The prosecutor is not authorized to promise any real benefits to the accused because he cannot provide them. Herewith the court may refuse to approve the agreement if:

1) the terms of the agreement contradict the criminal procedure law or criminal law, including the admitted wrong legal qualification of the criminal offense that is more grave than that for which the possibility of an agreement is provided;

2) the terms of the agreement do not meet the public interest;

3) the terms of the agreement violate the rights, freedoms and legitimate interests of the parties or other persons;

4) there are reasonable grounds to believe that an agreement was not voluntary;

5) there is an apparent inability of the accused to perform the assumed obligations under the agreement;

6) there is no factual basis for the plea of guilt.

In this case, pre-trial investigation or court proceedings continue in the general procedure. Herewith, the second appeal to the agreement in one criminal proceeding is not allowed [2, p. 474].

Furthermore, the court has the right to check the conditions of cooperation of the accused in detecting criminal offense committed by another person. If it finds that the prosecutor was unable to confirm the active assistance of the accused in the investigation and prosecution of other participants in the offense it may also refuse to approve the agreement and send the results of the criminal proceedings to complete the pre-trial investigation in general order.

However, A.M. Bandurka pointed out that analyzing the psychological component of the prosecutor as a party to a plea agreement it should be noted that "a prosecutor cannot stand over the court, and should contribute to a successful search and lawful execution of all court proceedings" [7, p. 92].

The obligation of the suspect or accused to inform investigation certain information would be fully consistent with the prosecutor's reciprocal obligation to prove the committal of the acts referred to in the agreement in the form of lodgment that is sent to the court together with the criminal proceedings. This reciprocal obligation would harmoniously fit into the concept of bilateral plea agreement. As the issues how the information obtained from the suspect or accused person will be used, whether it will be used at all, and what will be the results of its use and similar questions are, obviously, beyond the commitments made by the prosecutor, who signed the plea agreement. Moreover, it can be envisaged before that because of a number of objective and subjective factors the investigation may not always be able to effectively use the information obtained in cooperation with the accused. The results of the cooperation with the accused, which faithfully fulfilled the assumed obligations under the agreement, shall not affect the decision on whether or not he deserves a special procedure for consideration of criminal proceedings, since these outcomes are independent of his will.

In general terms, the concept of a plea agreement, unfortunately, gives parties grounds to subjectively interpret the specific features of the conclusion and implementation of a plea agreement, and can be considered as state-sanctioned incentives for denunciation which is, in social terms, unlawful message to power about certain violations of rules, regulations, orders failure, etc. It is unlawful either because such rules, regulations, orders, etc. are not considered to be correct or consequently their violation is not condemned, or because in such situations it is conventional to resolve the conflict at a personal level without appealing to formal institutions [9].

From the psychological point of view the plea agreement is preceded by conflicting communication between the bodies of pre-trial investigation, the prosecutor and the suspect or accused. In general, conflict is a clash of significantly incompatible or opposing views, needs, interests and actions of individuals and groups. At the psychological level conflict is manifested in participants' strong negative feelings about the situation. Conflict can lead to changes in the system of relations and values. Under the conflict, people seem to perceive reality differently, take actions that are not peculiar to them. Not any contradiction grows in the conflict, but usually this one, which presents the most essential needs, aspirations, interests, and goals of people, individual's social status, his prestige. Primarily legal psychology focuses on the following aspects of the conflict: awareness of a conflict by its members; singling out the psychosocial components, primarily causing internal conflict position, i.e. the set of motives, real interests, values that motivate a person or group of persons to participate in the resolution of controversies; determine the causes and stages of forming a subjective image of the conflict situation etc. [6, p. 170].

Thus, we jump to the conclusions that the term "plea agreement in the criminal procedure law of Ukraine" means:

1) an agreement that sets any conditions, relationships, rights and obligations of the parties to criminal proceedings and means mutual consent, agreement;

2) a method of settlement between conflicting subjects of criminal proceedings: the prosecutor and the suspect (accused);

3) a legal instrument that creates rights and obligations for the agreement parties;

4) free will of participants, which manifests itself in a voluntary arrangement;

5) the content is in making mutually acceptable conditions and mutual concessions permissible by law;

6) is of written character;

7) is not itself a fact that mitigates punishment in the sense of art. 66 of the Criminal Code of Ukraine, but is taken into account by the court in sentencing;

8) a significant reduction of the upper limit of punishment in case of signing such an agreement must be stipulated by the importance of actions committed within such an agreement;

9) making an agreement has a strong psychological impact on the parties and encourages post-criminal behavior of the suspect (accused), it is a measure of pre-penitentiary influence and fully meets the interests of all participants in the criminal process.

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ПРОБЛЕМЫ РЕФОРМИРОВАНИЯ СИСТЕМЫ ПРЕДОСТАВЛЕНИЯ ПСИХИАТРИЧЕСКИХ УСЛУГ В УКРАИНЕ: ЮРИДИЧЕСКИЙ АСПЕКТ

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Summary

In this article will be demonstrated main characteristics and analysis of the problems of reforming of the system of mental health care in Ukraine in the legal aspect. The laws of health care sphere must legally provide not only the right of patients to treatment, but must ensure that they protect the rights, honor and dignity. But stigmatization of patients, their discrimination, unfortunately, are the reality of providing the mental health services both in Ukraine and in other countries with a totalitarian past. Therefore, legally ensuring the rights of mentally ill people in accordance with the European standards is the task of reforming the Ukrainian legislation. There are some legal provisions in Ukrainian legislative system concerning the rights of patients with psychiatric diagnosis but looking on the mechanisms of implementation of these law, we can make a conclusion that they are of declaratory nature. The main task is to form a mechanism of ensuring and protecting the rights of persons suffering from mental disorders.

Key words: sense of justice, capability, international provisions concerning rights of mentally sick people.

Аннотация

В статье дана характеристика и проведен анализ проблем реформирования системы психиатрической помощи в Украине в юридическом аспекте. Законодательство здравоохранения должно не только юридически обеспечивать право пациентов на лечение, но и гарантировать им защиту прав, чести и достоинства, поскольку стигматизация больных, их дискриминация, к сожалению, являются реальностью сферы предоставления психиатрических услуг как в Украине, так и в других странах с тоталитарным прошлым. Следовательно, юридическое обеспечение прав психически больных людей в соответствии с европейскими стандартами – это задача реформирования украинского законодательства. Несмотря на то, что в целом в Украине законодательно обеспечены права пациентов с психиатрическим диагнозом, можно констатировать, что закон в аспекте механизма его внедрения фактически является декларацией о намерениях. Для Украины особенно остро стоит вопрос нормативно-правовой базы не в вопросе обеспечения и защиты прав лица, страдающего психическими расстройствами, а в формировании реальных механизмов защиты прав человека в аспекте оказания психиатрической помощи.

Ключевые слова: правосознание, дееспособность, международные нормы права психически больных.

Постановка проблемы. Важнейшим событием XX века применительно к проблемам психиатрического здоровья является реформирование психиатрической помощи, происходящее во многих странах мира, в том числе и в Украине.

Необходимость реформирования психиатрической помощи обуславливается низким правовым и гуманитарным уровнем предоставления услуг психиатрической помощи в Украине, государственным монополизмом в сфере оказания психиатрической помощи, преобладанием интересов «общественности» над интересами отдельной личности [1].

Актуальность исследования. Проблема реформирования системы предоставления психиатрической помощи населению, приведение национального законодательства в соответствие с международным законодательством особенно актуальна для постсоветских государств, так как основы формирования системы предоставления психиатрической помощи, юридической защиты лиц с психиатрическим диагнозом практически идентичны. Работы В.А. Абрамова, И.Я. Гурович, А.А. Коломеец, Л.А. Цыганок, В.А. Тихоненко, И.И. Щигалева, В.С. Ястребова посвящены различным аспек-