

ness of perception is absent, primitive desires, especially sexual ones, prevail. Therefore, as an internal condition provoking criminal behaviour alcoholism strongly influences person's behavior.

Thus, most often while intoxicated choice of victim is random. The offender doesn't look for the subject of satisfaction of his sexual desires as is the case when other sexual crimes are committed, but directs his immoral actions at those who appear in his way. Victims owing to their age are very trustful and careless and as a result too easily become "ideal" victims.

But not everyone who committed depravity of minors has mental disorders or is intoxicated. Generally they are persons with sound mind who are good workers, and are characterized by good productive achievements. They most often purposely find a job in establishments where there is an opportunity to contact children directly.

As to marital status they are married and have children. They are characterized by uncertainty, weakness of volition qualities; it is difficult for them to feel as equals with adult sexual partners. The child attracts them not by his sexual immaturity and sexual incompleteness, but because the child is defenceless and depends on the adult, it isn't a shame to appear sexually weak and unable; and even to show sadistic inclinations which the adult person won't allow.

The motive of this crime, as a rule, has the sexual direction, desire to satisfy sexual needs. But there are cases when the motives behind the commission of depraved actions are hooligan (demonstration of genitals in a public place), or these actions are prompted by other motives, in particular revenge, desire to intimidate and humiliate the victim.

Thus, social danger of persons committed depravity of minors is in depraved actions which can harm normal mental and moral development of children and teenagers not less than having sexual intercourse with them. It determines need for development and introduction into practice of effective means to prevent this negative phenomenon. Such actions should be based on the detailed analysis and study not only of the constituent elements of a crime, but also on the characteristic of the criminal personality.

*Liubchych Anna
Yaroslav Mudryi National Law University
Department of Land and Agrarian Law*

ON THE DEFINITION OF "PROCEDURAL NORM" IN AGRARIAN LAW

In recent years an urgent need for the solution of the problem of procedural norms which adjust the procedural mechanism of legal norms implementation has arisen. The solution of this problem could provide the guaranteed use of the rights and performance of duties by different subjects in conditions of legal state development.

The use of the concept of “procedural norms” provides a comparative analysis of the implementation of both concepts - “norm” and “procedure”. They should be regarded as the form and content. Thus, it is necessary to consider the unity and close relationship of this phenomena. M I. Matuzov highlights that “the form and content of any phenomenon are indissoluble”.

The current legislation doesn't contain an exact definition of the concept “procedural norm”. In general, “procedure” from Latin is “proceder” – to move ahead. In Ukrainian legal research works, many publications are devoted to the definition of this concept. In particular, legal procedure is considered as specific legal relationship [2], as a complex of legal relations [3], as system of consistently carried out actions [4], as the established order of the regulator implementation of such actions [5].

The western legal theorists also repeatedly addressed this issue. In particular, according to L. Fuller, no rule of law, and not even legal system as a whole, different forms of legal processes and procedures have to be an initial element and the main object of legal research [6, p. 53]. Associate Justice of the United States Supreme Court Felix Frankfurter writes: “The history of liberty has largely been the history of observance of procedural safeguards.” [7, p. 96]. The French scientist R. Garro emphasizes that “procedure matters, has a value equal to substantive law; in certain cases it has even bigger value” [8, p. 8].

A representative of the Russian jurisprudence professor V. M. Protasov notes is essential to have a pre-set model (program) according to which it is realized in life and is implemented in the real behavior of subjects. In general, this model presents an order, sequence in commission of actions and operations that is the peculiar algorithm, realization of which has to lead to desirable result [9, p. 6].

In the agrarian legislation of Ukraine till this time there hasn't been a singular, unified and official definition of the “procedural norm”. Lack of the fundamental approach to the definition of “procedural norm” leads to the fact that accents when studying procedural norms, in particular in domestic science of the agrarian right, are placed on their different attributes, which are considered as intrinsic. It leads to the creation of serious problems in the formation of logics of agrarian jurisprudence.

In the doctrine of the agrarian law professor A. M. Stativka was the first who provided the definition of “procedural norm”. In his opinion, “ the legal norms which provide an order and implementation of the subjects of rights and duties are vested regulatory substantive norms, the warranty fulfillment of which shall be enforceable” [10, p. 50].

Such definition of procedural norm is appropriate for several reasons.

First, the procedural norm includes not a set of consistently performed actions, and a specific procedure of the latter, the development of the agrarian law caused by objective regularities (need for procedural regulation, specifics of result, on which achievement is directed the procedural norm and so forth).

Secondly, crucial in this definition is that they are based on material norms of law.

Thirdly, it has practical value because it serves as the prerequisite for the theory creation about procedural norms in the agrarian law, which is based on the distinction between procedures as a certain ideal order, which can be perfect or imperfect, can be legal or illegal and so forth.

Obviously, the procedures in the agro-legal sphere of public life need proper regulation without which they are "stricto jure" that are, are not legal. The universal remedy of implementation of such regulation is the procedural norms of the agrarian law, which are a specific procedure for the implementation by the subjects of agrarian and legal relations of their subjective rights and duties.

REFERENCES

1. Матузов Н. И. Правовые отношения / Н. И. Матузов // Теория государства и права : Курс лекций / Под ред.. Н. И. Матузова и А. В. Малько. – М. : Юрист, 2001. – С. 508–545.
2. Баришпольская Т. Ю. Гражданские процесс и процедура (понятие, служебная роль, проблемы теории и практики) : автореф. дисс. на соискание учен. степени канд. юрид. наук : спец. 12.00.03 «Гражданское право ; семейное право ; гражданский процесс ; международное частное право» / Т. Ю. Баришпольская. – Томск, 1988. – 21 с.
3. Протасов В. Н. Процессуальный механизм в правовом регулировании социалистических общественных отношений / В. Н. Протасов // Советское государство и право. – 1983. – № 3. – С. 120–125.
4. Волосникова Л. М. У истоков парламентского права (процедуры и обычаи английского парламента в XVI в.) / Л. М. Во-лосникова // Российский юридический журнал. – 2000. – № 4. – С. 136–139.
5. Лазарев Б. М. Понятие и виды управленческих процедур. Их роль в механизме государственного управления / Б. М. Лазарев // Управленческие процедуры. – М. : Наука, 1988. – С. 5-31.
6. Козлихин И. Ю. Процессуальная концепция права Лона Фуллера / И. Ю. Козлихин // Известия вузов. Правоведение. – 1993. № 1. – С. 53–58.
7. Никеров Г. И. Административно-процессуальное право США / Г. И. Никеров // Государство и право . – 1997. № 12. – С. 96–103.
8. Євсєєв О. П. Процедури в конституційному праві України : Монографія / О. П. Євсєєв. – Х. : Видавництво «ФІНН», 2010. – 184 с.
9. Протасов В. Н. Юридическая процедура / В. Н. Протасов. – М. : Юрид. лит., 1991. – 79с.
10. Статівка А. М. Процедурні норми в аграрному праві/ А.М. Статівка // Підприємництво, господарство і право. – 2013. – № 5. – С. 47–50.