



ції, на який спираються мовні навички та вміння. Адже саме з моменту усвідомлення граматичної форми фрази і її лексичного значення простий набір звуків, який людина чує, читає, вимовляє і говорить, набуває сенсу.

Отже, комунікативна компетенція є інтегративне поняття, що включає як вміння і навички виконувати дії з мовним матеріалом, так і країнознавчі знання, вміння і навички.

#### ЛІТЕРАТУРА

1. Зязюв І.А. Культурологічні аспекти педагогічної творчості / І.А. Зязюв // Культура і освіта: проблеми, пошуки, творчі знахідки : зб. мат. / Вінницький пед. інститут – Вінниця, 1996. – С. 5–7.
2. Креативная педагогика и психология: учебн. пособие для вузов / А.В. Морозов, Д.В. Чернилевский. – М. : МГТА, 2001. – 301 с.
3. адул В.В. Педагогічна культура та соціальна зрілість вчителя: навчальний посібник / В.В. Радул. – Кіровоград, 2000. – 36 с.
4. Шевченко О.М. Культурологічний підхід у професійній підготовці студентів музичних училищ: дис. ... канд. пед. наук : 13.00.04 / О.М. Шевченко. – К., 2011. – 250 с.

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### **COLLISIONS IN LAWMAKING OF UKRAINE**

Democratic reforms of the economic and legal foundations of society lead to fundamental changes in the legislation. This process is accompanied by the contradictions between legislative acts that adversely affects to the legal system of Ukraine. Therefore, the actual is to analyze theoretical and legal aspects of the collisions in Ukraine's lawmaking: their types, causes and means of overcoming and elimination.

Research of collisions' legal problems is considered in a number of scientific works of prominent foreign and native scholars and investigators of the past (Aristotle, Plato, Hegel, Hobbes T., Montesquieu S., Dnistriansky S., etc.) and present (Averyanov V., Avramenko L., Zaichuk O., Kopeychikov V., Koziubra M., Mironenko O., Onischenko N., Rabinovich P., Sirenko V., Skakun O., Tikhomirov Y., Zwick M.) as well.

The term "*collision*" (Latin – *collisio*) comes from the Latin "*collido*" and means – *encounter and clash, overlap the opposite circumstances, forces and interests* [2, p.434]. The



legislation of Ukraine does not have a legalized formulation the notion “*collisions*”. In some legislative acts we can only find mention of collisions (the Law of Ukraine “On International Commercial Arbitration” (p. 28), Merchant Shipping Code of Ukraine (Article 14)).

Like any social phenomenon collisions in the legal system, particularly in lawmaking are conditioned by certain factors and causes. Objective reasons are logically connected with the objective development of social relationship (including legal as well), and does not depend on subjective actions, intentions and interests of individuals: contradiction, dynamism and volatility of public relations, “aging” (backlog) of law and the like. All this make legal collisions inevitable and natural to a certain degree.

Subjective reasons of collisions depend on the will and minds of people – politicians, lawmakers and other officials. The result is poor quality of laws, gaps, inconsistencies or lack of coordination of legislative activity, irregularity of legal material, lack of proper legal culture, legal nihilism and more.

In our opinion, the most important causes of collisions modern state of national legislation are the conceptual ones. The leading position is occupied by two of them: the theories of positive and natural law [3, p. 37–38]. These attitudes affect not only the formation of public opinion on the law-governed state, the supremacy of law and legal consciousness, but on law enforcement practice as well.

The existing classifications of collisions and their positive properties in literature require some clarification and specification relative to the legislation of Ukraine. It is essential to stress four groups of legal collisions, defined in the legal system and laws of Ukraine nowadays: the collisions between the regulations and conflicts between different legal rules, conflicts in lawmaking, collisions in law enforcement, collisions of authority and status of state bodies, officials, etc. It is also important to remember about the collisions between the laws and regulations and the norms of the



Constitution and the rules contained in the decrees of the President, acts of government and other regulations and laws.

According to the essential features collisions are divided into: 1) Temporal (time), i. e. arising as a result of publication at different time at least two of rules of law on the same question. To experience it is necessary to analyze four indicators that characterize the effect of conflicting regulations in time: the time of entry regulations into force, the temporal direction of the acts; the time, the grounds and procedure for termination (cancellation) of the given regulations.

2) Hierarchical (subordination), the specificity of which is that the regulation of certain relations actually implement rules that are at different stages in a hierarchical (vertical) structure of the legislation and therefore have different legal force. The general principle that is used to overcome hierarchical collisions, is as follows: “In case of collisions, the norms that have a higher legal force should be used.”

3) Substantial collisions, encountered as a result of applying the rules with the overlap of their control due to the specific social relations. Their specificity is associated with the separation of law in general, special and exceptional. These collisions aim to reflect the specific features of relations in the special provisions. Thus, the objective cause of the collision is a special legal regulation of certain relations [1, p. 384–385].

Overcoming conflicts means surmounting them in a particular case in the process of law enforcement. The main ways to overcome them are the issue of collisions rules, the interpretation and application of legal provisions of the law.

Among the recent measures of preventing and overcoming collisions in the legislation we should necessarily determine the following: 1) forecasting and planning standards-related activities; 2) improvement of the legislative machinery; 3) a legal test of normative-legal acts; 4) systematization of legislation.



Thus, collisions in law exist in any state, but their number and availability of reasonable ways to overcome can confirm the level of effectiveness of national legislation.

Accordingly, collision should be treated as a state and the action of several legal acts, as a rule of regulatory character, adopted by one or various subjects of lawmaking and aimed to regulate the same public relations, and the use of each of them separately gives different and sometimes contradictory results.

#### REFERENCES

2. Зайчук О. В. Теорія держави і права. Академічний курс : підручник / О. В.Зайчук, Н. М. Онищенко – К. : Юрінком Інтер, 2008. – 688 с.
3. Прохоров А. М. Большая Советская Энциклопедия. (В 30 томах) / А. М. Прохоров. Изд. 3-е. Т. 12. – М. : Советская Энциклопедия, 1973. – 624 с.
4. Федоренко Г. Деякі питання законодавчої діяльності (про так званий «поділ праці між законодавцем і суддею») / Г. Федоренко // Право України. – 1996. – № 6. – С. 37–38.

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### **CENTRE OF SOCIAL SUPPORT TO FAMILIES WITH DISABLED CHILDREN AS A SOCIAL PROJECT**

One of the special features of modern society is a permanent increasing of congenital and hereditary diseases, progressive growth of chronic somatic diseases and, as a result, raising the total number of children with disabilities.

According to the current statistics, in our country almost every second child is born with a certain health problem [1, p. 2].

Theoretical and methodological analysis of psychological and educational references affirms that the Ukrainian researchers, in particular, L. S. Vavina, T. A. Vlasov, M. S. Pevzner, L. I. Plaksyn, K. S. Lebedynska, L. I. Solntseva and many others, investigate the issue of disabled children. There is a need to tap in a more varied range of ways the social barriers the disabled children have to face.

“The Equality Act 2010”, building on “The Disability Discrimination Act”, provides one useful definition of disability: “A person has a disability ... if he has a physical or mental im-