

O. Tylypska
Postgraduate Student,
Department of Administrative Law,
Taras Shevchenko National University of Kyiv

FREEDOM OF PEACEFUL ASSEMBLY IN THE EXPERIENCE OF DEMOCRATIC PROCESSES IN THE USA

Right to peaceful assembly and procedure of its formation and development in the United States of America are considered in the article. The article outlines the main periods of American history in the context of different approaches to the notion of freedom of peaceful assembly.

The focus of the article is the right, delineated in the First Amendment to the United States Constitution, “of the people peaceably to assemble”. The author begins by tracing the central role that the right of assembly played historically in political struggles and in public perceptions of the First Amendment, through the middle of the twentieth century. He then traces the gradual transformation of the right of assembly, explicitly listed in the text of the Constitution, into a non-textual right of “association” during the 1940s and 1950s, as well as the narrowing of the right of association, combined with the complete abandonment of assembly as an independent right during the period beginning in the early 1960s.

The author pays particular attention to three characteristics of the right of assembly. First, groups invoking the right of assembly have usually been those that dissent from the majoritarian standards endorsed by government. Second, claims of assembly have insisted on a political mode of existence that is separate from

the politics of the state. Finally, practices of assembly have themselves been forms of expression – parades, strikes, and meetings, but also more creative means of engagement like pageants, religious worship, and the sharing of meals. The diverse groups that have gathered throughout American nation’s history embody these three themes of assembly: the dissenting, the political, and the expressive.

The author illustrates how the freedom of assembly faces an amount of challenges on its way. It encompasses such seminal moments as the debate over the Democratic-Republican Societies of the 1790s, the use of public meetings as a form of democratic activism in the Jacksonian era, the efforts of southern states to suppress assemblies of slaves and free blacks throughout the antebellum period, and the embracing of public assemblies in the North during this period by both the abolitionist and burgeoning women’s rights movements. Moreover, the right of assembly continued to play a central role in social movements well into the twentieth century, including the suffrage movement, the Civil Rights movement, and the radical labor movement epitomized by the Industrial Workers of the World.

The author comes to the conclusion that comparative analysis will make it

possible to compare conditions, fundamental differences and similar features in the formation and evolution of the right to peaceful assembly in the United

States and in Ukraine. Eventually using the gained knowledge in the process of building a functioning democracy in our country would be effective.

L. Foksha

*Candidate of Law Sciences,
Associate Professor at the Department of Economic and Legal Relations,
Dnipropetrovsk State University of Internal Affairs*

PUBLIC FUNDS: CONCEPT, CHARACTERISTICS AND LEGAL NATURE

The article investigates the modern system of public finance, as well as definition, characteristics and legal nature of public funds.

In the first part of the article the author defines the notion of public finances, analyzes the main elements of the system of public finance. It is determined that public finances are mobilized and allocated to meet the public financial interest, which is divided into public, social and territorial interests.

In the second part of the article the author determines that public funds are divided into different shares – monetary funds. Distribution of finance for centralized and decentralized funds is determined by the need to meet various different social needs.

The author describes the concept and characteristics of central funds, analyzes the essence of the state budget and local budgets, as monetary funds, and propos-

es the author's definition of budgeting. The author investigates the legal nature of social purpose funds that are divided into public budgetary funds, public extra-budgetary funds and funds of obligatory medical insurance.

In the third part of the article the author analyzes the views of researchers on the concept and content of decentralized monetary funds. The author defines the main features of decentralized funds. Author proves that the decentralized funds are generated, distributed and used by state and municipal enterprises, institutions, organizations and their associations, at their own expense and budget allocations, designed to meet the public interest.

The author concludes that the current system of public finance in Ukraine foresees the creation of centralized and decentralized funds, which, maintaining relative autonomy, are strongly correlated with each other.