

the recognition of legal acts unconstitutional, distrust to Cabinet of Ministers. That is, each branch of government has some leverage over the other.

Participation in formation of one of such branch to another is one such means of influence. In particular, both branches of power are involved in the formation of the judiciary – the legislative and executive, firstly the President of Ukraine appoints a person to the judge's position, and for life-time – the Parliament. Personnel support plays important role in shaping the judiciary. Parliament of Ukraine identifies issues of personnel policy through legislative activity and parliamentary control.

Labour relations include elements of occurrence, duration and termination. Labor Relations Judges starts after a number of procedures (training at the National School of Judges, exams, etc.).

Direct implementation by the judges of their professional activities are associated with such government agency as the State Judicial Administration.

Thus, in Ukraine there is a system of division of power in the branches, what describes it as a constitutional, democratic, legal state. The challenge of the state is to ensure judiciary branch by highly skilled, professional judges.

Maliuha L. Yu.,

Candidate of Law Sciences,

*Assistant Lecturer, Department of labour law and social securement right,
Law faculty, Kyiv National University named after Taras Shevchenko*

SOME ASPECTS OF THE USE OF THE TERM «DISABLED PERSON» AND ITS INTERPRETATION

The article emphasizes that today often the concept of «disabled person» is replaced or is identified with other terms, which leads to confusion in the conceptual framework of social welfare. Noted that such a situation complicates the legal regulation of legal relations in the sphere of social security for disabled people, which creates barriers to adaptation of the disabled in society. As a consequence, conducted the study to analyze the interpretation of the concept of «disabled person» and the clarification of the question of the adequacy of its use in relation to persons who have a physical or mental disability. During the implementation of the scientific pa-

per presents a historical overview of the emergence of the concept of «disabled person», are legislative approaches to its definition, a review of the international legal instruments of the chosen direction, based on the analysis of both national and international legal acts defined uniform interpretation of the category «disabled». It is proved that the question of the adequacy of the use of the term «disabled person» in relation to persons with physical and mental disabilities is, first of all, the ethical problem of contemporary society, and not legal. The conclusion is made that the term «disabled person» is the most adequate for determining a person with physical or mental

disabilities, which gives the opportunity to cover all persons who have «atypical signs of» a physical or mental plan. It is established that the most reasonable interpretation of this concept is to define assigned to the Laws of Ukraine

«On fundamentals of protection of the disabled in Ukraine» and «On rehabilitation of disabled people in Ukraine». Offered it to recognize the unique and such that fully disclose the essence of the definition of «disabled».

Tarassenko V.S.,
Candidate of Law Sciences,
Senior Lecturer, Department of labour law and social securement right,
National University «Odesa Law Academy»

NOVATIONS IN THE SPHERE OF PENSION PROVISION OF JUDGES

Increasing level of social security of judges, in particular provisions of pensions of judges, was always one of the prior way of orientation of social policy of state. Lot of attention of this question at legislative level proves this.

One of the guaranties of judicial independence is material and social security of judges while being in position (salary) and after reaching pension age (pension) or after retirement (monthly permanent alimony). Mentioned guarantee is aimed on supporting standard of living of working judges and judges who are already retired because of reaching pension age or because of termination of office.

Pension provision of Judges is one of

the measures of social security of citizens, which guarantees them proper standard of living. However, amendments, which were made in 2011 because of pension reform, limited rights not only of all citizens, but also of judges in the sphere of pensions. These amendments didn't changed the right for pension of judges, but set limited accrual base for pension and other types of social security.

Despite of Decision of the Constitutional Court of Ukraine dd. June, 3.2013 the important pension guarantee of judges' rights renewal, is supplying of the above mention Decision provision executing and non-admission of narrowing or limitation of their rights in future.