

ernment in accordance with statements of the Constitution of Ukraine [25, Part 4, Article 13] and the National Strategy of Conducting Development of *a Civil Society* in Ukraine for 2016 – 2020 aimed at formation of appropriate conditions for effective interaction of the government, the civil society, and business in order to ensure modernization of Ukraine, enhancement of welfare, and creation of equal opportunities for everyone;

– further development of *an information society*, including *improvement* of legislation for regulation of information relations (information legislation), particularly its *codification* [27, Paragraph 2, Chapter III].

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## MATTERS CONCERNED WITH TRAINING LAWERS OF A BUSINESS AND LEGAL FIELD IN WESTERN COUNTRIES

Contemporary phenomena such as unavoidable strengthening of the government role in the modern economy, stimulation of investments in a national economy, the increase of requirements for safety and environmental friendliness of production activity, the fight against monopolies, the financial abuse, and offshorization, further development of international economic integration in combination with stormy informatization of a society certainly influence quality and standards of legal education.

Particularly, almost every university of Europe, the USA, and Canada, which teach lawyers, has Bachelor's and Master's programs in economic and business law.

At the same time, it is nearly impossible to find Master's programs in civil law literally. Internet-reviews of educational programs of the world universities contains links on programs «in the sphere of civil law», usually «private law». For example, the webpage [LLMdirectory.com](http://LLMdirectory.com) generalizes various LLM-programs in the sphere of civil law. However, considering the contents of respective programs, e.g. at the University of Washington, which tops the list, we may conclude that a classification of its services is specified in a program of «financial and business law», «ecological law», «law of intellectual property», etc. (LLM Program : The George Washington University Law School). At the same time, if we consider universities, which

propose LLM-programs in economic (business) law, a respective list will be incomparably ramified as well as will be directly related in a title and the contents of courses to economic (business) or commercial law.

Such state of educational programs in law in European countries is concerned with pragmatism of western scientists, which stipulates specialization of training lawyers in certain spheres of the social life. Civil law is not directly identified with any sphere in an integral form. It is concerned with all the spheres, beginning with family relations and ending with international collision norms. Orientation towards training lawyers of certain areas of the social life is a prerogative of complex areas of law being able to overcome blinkered legal thinking, to present normative statements in unity aimed at integral solving a certain life problem. The contents of programs in business and economic law entirely comply with this complexity.

System and legal discrepancies between countries of different legal traditions are significant obstacles for training lawyers according to programs in «civil law» compared to programs in business or economic law.

The author means that scientists of English and American law systems (accordingly, legal schools of leading world universities) do not indicate civil law as such. However, there are distinctions between common law and civil law as normative basics of legal systems of English-American and Roman-Germanic law respectively. Consequently, training professionals in «civil law» at universities of countries of the English-American system of law cannot be provided. A concept of civil law is indicated only in countries of the continental system of law and particular mixed or dualistic systems of law (for instance, the law of Canadian province Quebec). This dilemma is not concerned with economic, business, or commercial law. In the contemporary globalized world, «the rule of the game» increasingly tends towards unification and unity. Uniqueness of business rules would factually mean exclusion of the country, which single-handedly implements them, from the general world economic space. None of governments can allow such process.

As a result, programs for training lawyers of an economic and legal (business) area are implemented at each university of the USA, Great Britain, and Europe, which train legal experts. Particularly, the Harvard Law School proposes a program of studying business law alongside with international and comparative law programs, a criminal justice program. Nevertheless, they do not take notice of civil law (Law and Business: Program of Study Faculty Leaders: Harvard Law School). For instance, analogical programs are studied at the Oxford Law Faculty or the Faculty of Law at the University of Zurich. In this context, concepts of business, economic, and commercial law are widespread directions of training legal experts.

If we take into consideration a fact that universities of the USA and Great Britain are far beyond universities of continental Europe in the rating of training lawyers

(the first of European universities are the 25<sup>th</sup> in the respective rating) (International Encyclopaedia of Laws), a factor of less attention to classical civil law compared to business and economic law in the world educational process becomes even more tangible.

For instance, it is no accident that a known publishing house Kluwer Law International has issued multi-volume encyclopedia International Encyclopedia for Commercial and Economic Law (International Encyclopaedia for Commercial and Economic law), which generalizes normative and legal statements of commercial and economic law of twenty-three world countries. The Encyclopedia includes volumes in twenty-five fields of law, beginning with an encyclopedia for a civil process, containing encyclopedias for insurance law, ecological law, and even cyber law, and ending with an encyclopedia for transport law (International Encyclopaedia of Laws).

Foreign education of lawyers has one more peculiarity. In Ukraine and other post-soviet countries, student's books in civil and trade law of foreign countries as the conventional thing continue to be issued. However, it is almost impossible to find a combination of these categories in western legal science, even in countries of continental law. Foreign jurists do not tend towards general universalization of knowledge, highlighting specialization according to a subject criterion. There are rather combinations of economic, commercial, or business law and contractual, corporate, or anti-trust law, patent law or product safety law, consumer protection law, tax law, or other related special disciplines.

Thus, assuming universal and complex features under conditions of globalization and economic integration, contemporary economic law becomes a more valid element of development of educational space. Such quality arises owing to unification of rules of doing business in the world economic space and formation of inter-country economic unions, which propose single criteria of public and private restriction of economic activity freedom. Needs of education of experts of the very economic law, which orients towards legal providing macroeconomic and micro-economic relations under conditions of globalization, requires Ukrainian pedagogues to take a fresh look at needs of training experts of an economic and legal field and to get rid of an approach to education of «universal» jurists, which is irrelevant and uncompetitive.

## REFERENCES

LLM Program : The George Washington University Law School . – Retrieved from: <http://www.llmdirectory.com/courses/LLM-Program-GWU-Washington-DC-USA>

Law and Business: Program of Study Faculty Leaders: Harvard Law School.– Retrieved from: <http://www.law.harvard.edu/academics/degrees/jd/pos/law-and-bus/>

International Encyclopaedia for Commercial and Economic law. – Retrieved from: <http://www.kluwerlawonline.com/toc.php?area=Looseleafs&mode=bypub&level=4&values=Looseleafs~IEL+Commercial+and+Economic+Law>.

International Encyclopaedia of Laws. – Retrieved from: <https://ielaws.com/>

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## **A CONTEMPORARY ECONOMIC POLICY IN UKRAINE AND LEGAL MECHANISMS OF ITS IMPLEMENTATION**

Matters concerned with enhancement of quality of public administration of the economy based on principles acknowledged by the European Union are kept under constant review of both scientists and practitioners. Nowadays, matters regarding formation of the modern legal fold being able to provide large-scale reformation of the Ukrainian economy, its accelerated reconstruction under resource, time, and other constraints should be brought to the fore. First of all, an issue of a mechanism of providing the legal influence on processes in the Ukrainian economy is of considerable importance.

At the same time, when it comes to the economy, there is a need to take into account an ownership form, which dominated in economic relations. Considering information from different sources, the author may conclude that shares of public ownership (including municipal) and private ownership accounts for 20% and 80% accordingly. Respective proportions exist in the context of the correlation between public (including municipal) and private sectors of the economy.

The mentioned circumstances stipulate a possible answer to the posed question: the government must use all advantages of economic incentives and substantiated preferences in order to encourage business entities (large, middle-sized, and small business) to invest in the Ukrainian economy.

It must be recognized that carrying out restructuring of the Ukrainian economy at the expense of budgetary funds is impossible. Accordingly, there is a need of the search of additional funds. Strengthening a fiscal pressure is the only means, which