

«SERVICE» AS ONE OF ELEMENTS OF «ILLEGAL BENEFIT»

It was desirable to mark, that the fifth structural element of concept "illegal benefit" is "service". This category is a difficult concept that is differently interpreted by an administrative, civil and economic law. And the main in service is useful result of action (to activity), that consists in an useful effect that satisfies the necessities of man. The legislative decision of this term is contained in п. 17 century 1 LAW OF COUNTRY "About the protection of consumers", in accordance with that service is activity of performer from a grant (transmissions) to the consumer certain, certain an agreement, material or non-material welfare that comes true after the individual ordering of consumer for satisfaction of him the personal necessities. To our opinion, application of such decision for the necessities of anticorruption sphere will be inappropriate, in fact it does not expose the role of service in the context of corruption acts.

For avoidance of misunderstanding in interpretation of this category, it needs to the century 1 LAW OF COUNTRY "About prevention of corruption" to complement a new indention that will contain the decision of concept "services". According to that services are the activity of performer, sent to by a feasance in behalf on a customer or third persons of certain actions or maintenance from their feasance. In relation to the types of services it is suggested to distinguish: transport; technical service; electronic connection; mobile communication and from access to the Internet; from a grant to the personnel; from a management a house; from development, documentation and input of control system; postal connection; restaurant economy; from rest; from making healthy; from employment; from the temporal placing (residence); educational; ritual and others like that. Consider that services can be classified on a few criteria. Firstly, depending on the form of existence of service are: material character (repair of apartment) and non-material (grant of professional consultations). Secondly, depending on the sphere of existence of service it is possible to divide into three groups. The first from them is administrative services. The decision of administrative service is contained in a century 1 LAW OF COUNTRY "About administrative services", in accordance with that by her is a result of realization of imperious plenary powers by the subject of grant of administrative services in the statement of physical or legal person, sent to acquisition, change or stopping of rights and duties of such person under the law. Administrative services can be classified on many criteria, however, to our opinion, most essential for an anticorruption sphere is only two. Yes, in dependence on a subject that can give them administrative services are : state, that is given by public authorities and state enterprises, by establishments, organizations, and also organs of local self-government in order of implementation of the delegated plenary powers due to money of the state budget, and municipal, that is given by the organs of local self-government, and also executive bodies and enterprises, by establishments, by organizations in order of implementation of delegated by the organs of local self-government of plenary powers due to money of local budget. The second criterion of classification of administrative services is their division at dependence on payment, according to that administrative services are payment (at what paying for service must serve as the not source of income for the organs of public administration, but only to defray costs on her grant), and also without payment. Second group of services after the sphere of their action - it social. Interpretation of maintenance of this category is contained in a century 1 LAW OF COUNTRY "About social services", so social services is a complex of measures on the grant of help to the persons, to separate task forces that are in difficult vital circumstances and does not can independently to overcome them, with the aim of decision of their vital problems. In accordance with a century 5 the above-mentioned Law there are a few varieties of social services : соціально-побутові services, id est, services from providing of feed foods, by a soft and hard inventory, hot feed, transport services, facilities of small mechanization, realization of соціально-побутового patronage, соціально-побутової adaptation, call of doctor, acquisition and delivery of medications and others like that; psychological services, that consist in the grant of consultations on questions a psychical health and improvement of mutual relations with a social environment, application of the psychoactivator sent to the study of socialpsychological descriptions of personality, with the aim of her psychological correction or psychological rehabilitation, grant of methodical advices; socialpedagogical services are an exposure and assistance to development of scalene interests and necessities of persons, that are in difficult vital circumstances, organization individual educational, educator and correction processes, leisure, sporting-health, technical and artistic activity and others like that, and also bringing in to work of various establishments, public organizations, interested persons; socialmedical services are consultations in relation to prevention of origin and development of possible organic disorders of person, maintenance, support and health protection her, realization of prophylactic, curatively-health measures, work therapy; socio-economic services - satisfaction of material interests and necessities of persons, that are in difficult vital circumstances, that will be realized in form the provision of natural or money benefit, and also help as non-permanent indemnifications; legal services are a grant of consultations on questions a current legislation, realization of protection of rights and interests of persons, that are in difficult vital circumstances, assistance to application of state compulsion and realization of legal responsibility of persons that is succeeded to the not legal actions in relation to this person (processing of legal documents, protection of rights and interests of person, other legal aid and others like that); services in employment are a search of suitable work, assistance in employment and social accompaniment of the employed person; informative services - grant to information, necessary for the decision of difficult vital situation (certificate services); distribution of elucidative and cultural and educational knowledge (elucidative services); distribution of objective information is about consumer properties and types of social services, forming of certain presentations and relation of society to the social problems; and also other. Thirdly, after a sphere to the action of service can be - civil legal.

Legislative interpretation of these services is narrow enough, in fact according to a century 177 Civil Code of Ukraine service is the object of civil law. To our opinion, for the necessities of civil law of service - its activity is sent to satisfaction of necessities of subject of concrete type of civil legal relationships. In the field of civil legal service it is necessary to group their grant on the basis of sphere, for example on bank services, services in a guard (property of person, his life and health), services of storage, rent et al.

In relation to dissociation of services from property, then services are the result of activity persons that can have both material and non-material expression, at that time as property, according to a current legislation, - it especially material category (articles of the material world).