became important and popular. That is why videoconference is an effective method of ensuring the rights and legal interests of persons in the process of interrogation. This type of interrogation contributes to realization of the rights of persons who cannot give their testimonies, because they are far from the place of pre-trial investigation or can be endangered. The electronic database for the videoconference is the computer program Skype.

All these types of interrogation have their faults because of the imperfect legislation. Unfortunately, the officials of law-enforcement bodies do not realize the necessity of the changes.

So the research into all these complicated problems is very important for the development of Ukraine as a democratic state, which considers legal rights of persons as a highest social value.

DIFFERENCE BETWEEN ILLEGAL DEPRIVATION OF LIBERTY OR KIDNAPPING AND HOSTAGE-TAKING

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The Universal Declaration of Human Rights, 1948, and the International Covenant on Civil and Political Rights, 1966, enshrined the key provisions according to which "everyone has the right to liberty and security of person" [2] and "no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law" [3]. Similar provisions are provided by the Constitution of Ukraine (art. 29). Moreover according to the Constitution (art. 33) everyone is guaranteed freedom of movement, free choice of residence, and the right to freely leave the territory of Ukraine except restrictions established by law [1].

Criminal law protection of these rights is provided by the Criminal Code of Ukraine, establishing liability for illegal deprivation of liberty or kidnapping (art. 146) and for hostage-taking (art. 147) [4].

The main object of the crime provided by art. 146 of the Criminal Code are protected by criminal law social relations, ensuring personal freedom, which includes free choice of person behavior and freedom of movement. Facultative objects can be life of a person, health, property, education and normal development of a child etc.

Illegal deprivation of liberty and kidnapping should be considered as separate crimes, because they differ in the peculiarities of actus reus and the degree of social danger. Illegal deprivation of liberty consists in the illicit restriction of free choice of residence or freedom of movement. It can have its expression in the detention a victim in a place where he/she does not want to stay longer or which he/she is unable to leave freely.

Kidnapping can be committed only in the form of active behavior and provides a set of consistently exerted actions: open or secret capture of a person, moving a

victim from the place of his/her permanent or temporary residence and possible further illegal detaining a person against his/her will [6, c. 12]. Thus, there is a proposal to separate in the Criminal Code the norms on illegal deprivation of liberty and kidnapping and to establish different punishment for committing these crimes in different articles of Criminal Law.

The main object of hostage-taking is social relations that provide personal freedom and personal security. Its facultative objects can be public safety, life and health, property, order of administration, public order etc.

This crime can be committed in two forms: capturing a person as a hostage or holding a person as a hostage. Capturing a hostage is the active behavior that consists in taking possession of another person against his/her will with the use or threat of violence. And holding a hostage should be regarded as illegal active or passive behavior that consists in obstructing another person to change his/her residence and can be accompanied by the use or threat of violence. In contradistinction to the crime provided by art. 146, the obligatory element of hostage-taking is a special purpose.

Thus the norms of art. 146 and 147 of the Criminal Code are in competition with each other, namely competition of general and special norms. The difference between hostage-taking and deprivation of liberty or kidnapping is in a specific purpose – to motivate relatives of the detainee, state or another institution, enterprise or organization, natural or legal person or official to take an action or refrain from any action as a condition for release of the hostage. So the offender connects the release of the hostage with satisfaction of his demands, which may be a ransom, provision of vehicles, weapons, release of a person who is serving a sentence.

Some scientists point out other distinguishing features of the crimes provided by art. 146 and 147. For example, M.O. Akimov notes that in case of hostage-taking the offender is interested in publicity of his demands (usually the place of holding hostages are not secret, threats against them are pronounced publicly). And in cases of kidnapping or deprivation of liberty whereabouts of the abducted person is kept secret (a condition of the release of the victim is often requirement to the relatives to refrain from going to the police) [7, p. 15]. V.P. Emelyanov names one more distinguishing feature of the aforementioned crimes which is the personality of the victim. The scientist explains that the guilty of hostage-taking is not mostly interested in the victim, his/her fate, which is almost always decided in advance, but he is interested in possibility of using the victim as a means of influencing the addressee of his requirements. In the case of illegal deprivation of liberty or kidnapping the victim is personified, and the offender is interested directly in him/her [5, p. 144]. The above-mentioned views of scientists are certainly noteworthy, but at the same time are quite contradictory, because they are not foreseen by the legislator in the dispositions of criminal norms. Thus the authors interpret the criminal law too broadly. These ideas can serve as some guidance for both theory and practice, but in any case cannot be used as compulsory in law enforcement, because they are not provided for in the criminal law as the features of a particular crime.

In practice, there is often the problem of correct qualification of kidnapping for mercenary motives and taking-hostages for the same motives. This issue should be

decided according to the addressee of the property requirements. The offence should be qualified under art. 146 of the Criminal Code if the requirement is addressed directly to the victim. And in the case, when this requirement is addressed not to the victim, but to the third person, the actions of illegal deprivation of liberty or kidnapping for ransom should be considered as hostage-taking.

In conclusion, it should be underlined that the difference between illegal deprivation of liberty, kidnapping and taking hostages is essential issue of criminal law. The correct distinguishing of these offenses has not only theoretical but primarily great practical importance for proper criminal law qualification.

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THE NOTION OF REAL BURDEN

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Today while speaking about subjective (individual) proprietary rights we use the term «burden» both in legal doctrine and legislation. Despite the importance of this institution neither legislation nor legal doctrine defines the term comprehensively and discloses its legal nature. The lack of understanding of the real burden essence reduces the effectiveness of land relations regulation, makes it difficult and sometimes even impossible to apply this institute in practice.

The term "burden" originally comes from civil law that gives a definition of this concept which is as follows: «Burden is a prohibition to dispose and/or use immovable property (real estate), which can be set either by law or by acts of public authorities and their officials or under the contracts.

In other words, due to the civil law the buden (real burden) means the