заңда татуласу туралы келісім жасалғаннан кейін алдын ала тергеу арқылы жүзеге асырылатын қылмыстық істерді қысқарту мүмкіндігі нақты анықталмаған.

298-баптың 4-бөлігінде баламасыз шешім көрсетілген: "алдын ала тергеу аяқталғаннан кейін қылмыстық іс осы Кодекстің 300-бабында белгіленген тәртіппен айыптау актісін бекіту үшін прокурорға жіберіледі ..."Осылайша, заңмен тараптардың бітімгершілікке келуіне байланысты немесе ҚР ҚІЖК көзделген өзге де негіздер бойынша қылмыстық істі тоқтату сияқты алдын ала тергеудің нәтижесі алынып тасталды. Жоғарыда айтылғандарға байланысты, осы тарауда жәбірленушінің қылмыстық іс бойынша оның ұстанымына және айыпталушыға қарым-қатынасына байланысты қылмыстық сот ісін жүргізу нәтижелеріне әсер ете алатын құқықтарын неғұрлым нақты жазу талап етіледі.

Осылайша, бітімгершілік және татуластыру рәсімдері бір-бірін өзара толықтыруы және процеске тартылған адамдардың барлық құқықтарын, бостандықтары мен заңды мүдделерін бір мезгілде сақтай отырып, қылмыстық істер бойынша тиімді іс жүргізуді қамтамасыз етуі тиіс.

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WHY ROMAN LAW IS A MODEL OF LEGAL TECHNIQUE AND ITS ROLE IN MODERN NORM-MAKING

This paper examines Roman law as one of the most influential legal systems in the world due to its systematic, logical, clear legal terminology and attention to practice. Roman law has a significant impact on the modern legislation of many countries. Its provisions and principles can be used to create effective and fair legal norms.

Keywords: *Roman law, norm-making, justice, legal principles, code.*

В даній роботі розглядається римське право як одна із найвпливовіших правових систем у світі завдяки своїй системності, логічності, чіткості юридичній термінології та уваги до практики. Римське право має значний вплив на сучасне законодавство багатьох країн світу. Його положення та принципи можуть бути використані для створення ефективних і справедливих правових норм.

Ключові слова: *римське право, нормотворчість, правосуддя, правові принципи, кодекс.*

Introduction. Roman law shapes the idea of the essence of private law and the development trends of modern civil law. This discipline is leading for students of higher education at law faculties, and that is why it plays a particularly important role.

The Roman Empire as a political organization disintegrated many centuries ago, but we still use the fruits of Roman jurisprudence as legal assets today. In a modernized form, Roman law became the cornerstone for the development of their own laws for more than a third of the states that exist on the globe.

Sources of the formation of new law of the Eastern Roman (Byzantine) Empire in IV-VI century were: Christianity, classical Roman law, Greco-Roman or Byzantine law. At the same time, Christianity in its eastern version was supposed to serve as an ideological foundation systematization of Justinian, and Roman classical and Greco-Roman (Byzantine) law provided legal material for her. [1, p.13].

Among the main reasons that made Roman law dominant are its natural justice and universal adaptability. In particular, this refers to the laws developed by Roman judges or 'praetors' and known as 'jus gentium' or praetorian laws, as opposed to the earlier law known as 'jus civile'.

Early Roman law, 'jus civile', was the law exclusively for the Romans, that is, by "Romans" were understood the citizens of the city of Rome, but later Roman law, also known as 'jus gentium', functioned on the territory of the entire Roman Empire and was developed taking into account the ever-growing possessions.

Returning to modern times, the oldest existing codified acts developed on the basis of Roman law is the French Civil Code, from the time of Napoleon's reign.

When the aforementioned code was first promulgated, it was called the "French Civil Code" (Le Code Civil des Français), but in 1807, after Napoleon became emperor, it was given the name "Code Napoleon". In exile, Napoleon expressed himself as follows: "My real glory is not that I won forty battles; Waterloo will erase the memory of these victories. But nothing can erase the civil code named after me. He will live forever."

The concept of law created by Roman jurists, which embodies the fundamental principles of law, is said to have been developed under the influence of idealistic Greek philosophy. Regardless of whether this was really the case, Roman jurists constantly insisted that law and justice must be reconciled.

The fundamental points of Roman and European legal regulation consider justice as a worldview, moral and legal phenomenon, and which is the methodological principle of the positive law systems of both Rome and modern European states. For the Romans, this principle and its role in the creation of law were immanently given, based on the basic worldview guidelines of Roman-antique humanity. [2, p.33]

Roman law from the time of its inception sought justice, so anyone who did not pursue this goal in his work could not be a lawyer [3, p. 17]. The Roman jurist Ulpian wrote about justice as an unchanging and constant will to give everyone his right. "The precepts of the law are as follows: to live honestly, not to harm others, to give to everyone what belongs to him. Justice is the knowledge of divine and human affairs, the science of just and unjust" [4].

In Ukraine, the process of reception of Roman law continues to this day, but already in a modern interpretation. Receptions are first of all subject to universal norms, and then they have already been revised and developed by national legislation.

According to scientists, Roman law is a true example of legal technology. It impresses with its extraordinary clarity, special correspondence between words and thoughts. Thus, the legal principles and institutions of Roman law became the basis for the development of the modern terminology of the philosophy of law and other legal sciences. Many concepts of legal culture traditional for us are direct borrowings from Roman law, in particular: 'republic', 'constitution', 'mandate', 'vindication', 'bond', etc. And although the meaning of these concepts has already moved far from its original source, the study of historical comparisons is not useless.

Today, Roman law has been replaced by modern codes. However, these codes did not create law from scratch. To a large extent, the norms of Roman law were placed in a legislative framework that ensured systemic order. This is especially true of the French Civil Code. Therefore, in order to fully understand the French Civil Code, it is necessary to know the legal basis on which it is based. Since this applies to French law, this provision is also valid for most modern European legal systems.

Conclusions. Roman law was of great importance in the process of forming uniform legal norms that contributed to the process of political integration in Europe. Roman law is the general basis on which the European legal order was built. Therefore, it can really be considered as a source of rules and legal norms that are easily combined with the national laws of many countries.

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ПЕРСПЕКТИВИ ВПРОВАДЖЕННЯ ЕЛЕКТРОННОГО УПРАВЛІННЯ СПРАВАМИ ТА Е-СУДОЧИНСТВА В АДМІНІСТРАТИВНОМУ ПРОЦЕСІ

В сучасній юридичній системі постає актуальне питання щодо перспективності впровадження електронного управління справами для врегулювання правових конфліктів. Це дає можливість дослідити переваги врегулювання правових спорів онлайн, зокрема доступність правосуддя та ефективність судових процесів в е-судочинстві. Метою дослідження є формування наукового бачення щодо перспектив впровадження електронного управління справами (ЕУС) та е-судочинства (е-правосуддя). Для вказаної мети дослідження використовувалися методи порівняльно-правового та системного аналізу та інші. Також розглянуті потенційні проблеми та обмеження при впровадженні цих технологій, а також надано рекомендації щодо оптимального використання електронних технологій (діджитал-ресурсів) у судовій системі. Висвітлено наявні в доктрині та практиці підходи до розуміння такої дійсності як електронне управління справами та е-судочинство на підставі міжнародних нормативно-правових актів, чинного законодавства, думок дослідників. Встановлено, що важливим кроком у е-судочинстві України була розробка Концепції електронного суду України (e-court). Обґрунтовано висновок про те, що ЕУС та е-правосуддя – це альтернативний спосіб вирішення правових спорів або ж «кібер-правосуддя», «віртуальний суд». Також зазначено, що для перспективного урегулювання способів врегулювання правових спорів за допомогою даного е-судочинства особливу увагу слід приділяти розробленню актуального понятійно-категоріального апарату, який в майбутньому буде слугувати науковим підґрунтям для прийняття відповідних нормативно-правових актів, упровадження практик з питань електронного управління справами.

Ключові слова: *онлайн, е-судочинство, електронний простір, електронне управління справами.*

In the modern legal system, there is an urgent question about the prospects of introducing electronic case management for the settlement of legal conflicts. This provides an opportunity to explore the benefits of online legal dispute resolution, in particular the accessibility of justice and the efficiency of litigation in e-Justice. The purpose of the study is to form a scientific vision of the prospects for the introduction of electronic case management (ECM) and e-judiciary (e-justice). For the stated purpose of the study, methods of comparative legal and system analysis and others were used. The potential problems and limitations in the implementation of these technologies are also considered, and recommendations are made on the optimal use of electronic technologies