

THE CONCEPT OF OFFENSES ARISING IN LENDING FOR AGRICULTURAL PRODUCERS, THEIR SYMPTOMS, CONDITIONS AND CAUSES

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This article analyzes the term «offense» in the general theory of law and in individual sectors. From the analysis derived definition of «offense in lending to agricultural producers» and given its specific features.

Violation, lending, subject composition, determination.

All obligations entered into in order to achieve the result envisaged by them, that is to be executed. So long as the obligations of the credit relationship is not fulfilled, the parties should take measures for its proper performance in accordance with all regulations, which together make up its content. Poor performance or breach of loan commitments is considered, taking into account its type (subject composition and legal entities) as civil or economic offenses. Relevance: We believe it is necessary to focus on the lack of science-based definition of 'credit offenses in the agricultural sector' and the uncertainty of its legal merits. At the same time, processing and filling this gap in the theory of law can contribute to the solution of theoretical and practical problems, such as: - Ensure consistency and correct application of the law in cases arising from commercial disputes related to credit in agribusiness; - To some extent help address the problem of proper implementation of commitments to extend credit in the agricultural sector; - Improving the quality of contractual relations in

kredytniyi system and so on. It is advisable to start Investigations on the content of the term "offense". Yes, scientists - representatives of civil law defining the offense of wrongful act or omission that violates the objective law and subjective rights of relationships.

Specialists in commercial law respected the views contained unlawful (forbidden) act or omission of the entity or other party economic relations, which violates the rights and legitimate interests of another person - the victim or prevent their implementation, should be regarded as an offense. Researchers characterize labor law offense of culpable wrongful act subject employment relationship, which is the default, breach of employment obligations and sanctions prohibited labor law. The foregoing suggests the conclusion that the offenses in research conducted both in terms of the general theory of law and in the branch direction, without exception offense is socially dangerous, illegal and considered as a whole, as a negative phenomenon in the society. Innocent or indifferent to the state crime does not exist and therefore can not be other (socially "useful", "safe") offenses, except socially dangerous. According to the majority of scholars, mostly civil direction of the opinion that all offenses inherent features that are common - a wrongful act or omission that causes social harm wine offender and the causal relationship between them and the damage. The combination of these features is considered as the offense. However, in many cases, as shown by some scholars economic and legal direction to bring the offender (website business relations) responsible enough presence of incomplete ("truncated") of the offense. Thus, the penalty notice as scientists, are charged in the presence of only the fact of the wrongful conduct of the offender, regardless of the presence of the injured party damages (including. 1 tbsp. 550 CC of Ukraine), and subsequently the causal link between the unlawful conduct and the resulting loss.

In determining the legal nature of the offenses also add that they reflect the unity of the formal (external) and material (internal) objective and subjective factors. External (visible) sign violations in the credit relationship, arising from the term "offense" is wrongfulness. Another essential feature of offenses committed in the agricultural sector in the performance of outstanding debt - is pathetic. Offences in credit relationships - a conscious, volitional act socially dangerous illegal behavior person or entity. In violation of the obligation to return the lender the amount of the resulting loan (debt), the borrower on behalf of their employees elect is such illegal behavior option purposefully ignoring the rights of lender, while harming law. Specificity of credit relations in the agricultural sector is a special part of the loan obligation, one of which is a bank or other financial institution (lender) who have the right to deliver cash (credit). The second acts Borrower (kredytooderzhuvach), in agriculture it can only farm or closely related businesses (eg for agriculture), which according to the constituent documents of conduct inherent specific activity. So, one of the specific features of violations of credit in the agricultural sector is their subjective part. Examining the general and special features of credit delinquency in the agricultural sector, are able to formulate a legal definition of "agro-credit offense." Thus, agro-credit offense - is an act, wrongful act or omission lender or persons who committed themselves to ensure proper implementation of the credit obligation of the borrower, that is failure or improper performance of loan commitments in the agricultural sector, thereby causing harm to his subjects, commercial law and order and public relations.

According to the legal basis of agro-credit is a contractual violation. According to Art. 345-347 Civil Code of Ukraine and art. 1054-1057 Civil Code of Ukraine the conditions and procedure for granting and repayment of loans, fees and interest for their use are determined by the terms and fixed in the loan agreement. Unlicensed loan is void. Moreover, subsidized

loans provided under the Model Agreement pursuant to paragraph 13.6.2 c.
13 Law of Ukraine "On State Support of Agriculture of Ukraine".