

4. Двойничников Ю.А. Объект правоотношения в контексте правового времени. *Вестник Пермского университета. Юридические науки*. 2014. Выпуск 1(23). С. 29–36.

5. Макаренко Л.О. Суб'єкт правової культури: концептуальні засади дослідження. *Journal «ScienceRise: Juridical Science»*. 2018. № 3(5). С. 15–21.

6. Ганжуров Ю. Законотворча діяльність як комунікативний процес. *Політичний менеджмент*. 2005. № 2. С. 89–102.

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CONCEPT AND CLASSIFICATION OF CIVIL LEGAL RELATIONS IN UKRAINE: PROBLEMS AND WAYS OF SOLUTION

Civil legal relations are based on the norms of civil law between legally equal subjects who act as carriers of civil rights and obligations. Clarification of the properties and nature of civil legal relations is one of the most complex issues in the theory of civil law.

At the same time, a significant part of the aspect of this problem (for example, the qualification of legal relations as volitional, ideological relations, establishing their correlation with real, industrial relations, determining the possibility of influencing law on public relations, etc.) belongs not only to the sphere of civil law but also has a general theoretical character [1, p. 55].

The main features of a civil legal relationship can be derived from its very definition:

1) features of the subject composition. Participants in civil legal relations in these relations act as legally equal subjects, which are separated from each other in organizational, legal, and property content;

2) civil legal relations are a legal relationship that arises concerning intangible and material goods of interest to an individual (share) person;

3) relations of the parties are regulated based on the initiative of the participants, their free discretion, based on the empowering nature of the norms of civil legislation. This is reflected in the fact that the main basis for the emergence of legal relations between the subjects of Civil Relations is their contract, which, besides, can also act as a norm of civil legislation;

4) participants in this type of legal relationship act as carriers of civil rights and obligations;

5) protection of subjective rights and inducement to perform subjective duties is carried out with the help of specific measures of influence and in a special (usually claim) procedure;

6) the grounds for the emergence, termination, and transformation of civil legal relations thoroughly differ from legal facts in other areas of law in the types, content, and nature of legal consequences. In particular, civil rights and obligations arise (terminate, change, etc.) not only on the grounds provided for by acts of civil legislation but also as a result of the actions of subjects of Civil Relations, which, based on the general foundations of civil law (legislation), give rise to the corresponding civil rights and obligations [1, p. 57].

Civil legal relations are a complex legal category consisting of three mandatory elements: 1) subjects, 2) object, and 3) content. Classification of civil legal relations is not only theoretical but also practical. It allows you to more accurately determine the nature of relations between their subjects and therefore makes it possible to more clearly interpret civil law norms about a specific case.

In this case, the classification of civil legal relations has not only theoretical significance, but is useful for determining the rights and obligations of the parties to the legal relationship, determining the circle and system of norms applied in similar, but different legal relations, although, as a rule, the division, classification of phenomena are somewhat artificial and far from perfect, because it is impossible to create a classification that would be ideal. After all, there are a lot of criteria by which the phenomenon can be classified. However, this paper uses the most common methods of classifying legal relations in the field of civil law [3, p. 75].

According to the nature of the relationship between authorized and obligated Persons, Legal relations are divided into absolute and relative. By item, they can be grouped into a property and non-property ones. According to the method of satisfying interest, real and binding legal relations are distinguished.

Absolute legal relations take place when an authorized subject is opposed by an unlimited number of persons, from whom the authorized person can demand the performance of certain duties, including refraining from violating his rights and legitimate interests. This is the right of ownership, where it is the owner who can demand that everyone else refrain from actions that would violate his property rights. Relative legal relations take place there and when a person, a subject of law, is opposed by a certain person, endowed with rights and obligations to be performed. As a rule, each of the parties in a legal relationship has a set of rights and obligations. The range of relative legal relations is quite wide, in contrast to absolute ones. This includes, first of all, binding legal Relations, Legal relations on the implementation of civil legal remedies, etc. [3, p. 79].

Real legal relations mediate the statics of the property status of legal entities. These are absolute rights that reflect and consolidate the ownership of material goods to a certain subject, the possibility of its influence on the thing, and its protection from encroachments by any third parties. they are opposed to binding legal relations that reflect the dynamics of property relations of subjects of Civil Law relations for the transfer of property, performance of works, provision of services, and use of intellectual property products. In binding legal relations, subjects are opposed to each other, each of them is endowed with rights and obligations, can demand certain behavior from others, and has several duties to be performed, including in a compulsory manner.

The division of obligations into real and mandatory ones is of practical importance and consists of the following: in real rights, legal relations are realized through active actions of the authorized person, and in binding rights – through the performance of obligations by the debtor. Therefore, real rights are absolute, and binding rights are relative.

The implementation of corporate rights makes it possible to participate in the management of Corporate Affairs, exercise control over its activities, form the policy of a legal entity, etc. at first glance, the content

of corporate legal relations is not characteristic of civil law, it contains a set of powers and rights of an organizational nature. But since the ultimate goal of implementing corporate rights is to obtain a certain property result, they can be classified as property rights.

Thus, classification is possible for various reasons:

1. depending on the economic content, civil legal relations are divided into a property and non-property ones;

2. according to the legal content, civil legal relations are divided into absolute and relative;

3. according to the nature of the exercise of the right, civil legal relations are divided into real and binding;

4. depending on the direction and purpose of establishment, civil legal relations are divided into regulatory and protective ones;

5. taking into account the structure of the content, legal relations can be divided into simple and complex.

The main modern problems of Civil Procedure are the following:

– non-compliance of the new Civil Procedure Code with the constitutional principles of justice administration (transparency, complicity, the introduction of the institution of jurors);

– instability of legislation, lack of a system when making changes to the Civil Procedure Code;

– the need to systematize the norms of the new Civil Procedure Code, taking into account the theory of Civil Procedure;

– lack of theoretical concepts for the further development of the civil process;

– civil proceedings do not meet either the requirements of the legislation or the theory of Civil Procedure;

– problems in providing highly qualified personnel for the positions of judges and lawyers.

The list of current problems listed calls into question the possibility of administering justice at the proper level [2, p. 352].

One of the main problems of civil procedure is that some provisions of the Constitution have not even been formally fixed in the new Civil Procedure Code. In particular, the constitutional principle of extending the jurisdiction of the court to all legal relations arising in the state, until recently, was dependent on the competence of the judge, since Article 136

of the Civil Procedure Code of 1963 Limited the powers of the court. Now the restriction has been formally lifted, but the specialization of courts in resolving certain legal relations: civil, economic, and administrative will allow judges to «drive» applicants between different courts. It is considered that in such a situation, the courts should accept applications from citizens and decide for themselves the issues of jurisdiction (competence) of the courts. The constitutional provision regarding the institution of jurors also remained undisclosed

Summing up all the above, we can conclude that civil legal relations of Ukraine occupy a leading place in the system of legal relations, but like any other areas of law, they have their own problems that need to be improved.

References:

1. Civil law of Ukraine: Textbook: In 3 books. Book 1 / For ed. E.O. Kharitonova, A.I. Drishlyuk. – O.: Jurid. lit., 2005. – 412 p.
2. Civil law of Ukraine (traditions and novation): monograph / Composite authors. – O.: Phoenix, 2010. – 700 p.
3. Krasavchikova L.O. The personal life of citizens under the protection of the law. – M.: Jurid. lit. Publ., 1983. – 160 p.

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ПРАВОЗАХИСНА ФУНКЦІЯ ДЕРЖАВИ ЯК ОСНОВА РОЗБУДОВИ ДЕМОКРАТИЧНОГО СУСПІЛЬСТВА

Україна сьогодні переживає складний і відповідальний період своєї історії – відбувається поступове зміцнення основ правової державності нового демократичного суспільства. Це вимагає подолання наслідків та залишків тоталітарного минулого, переходу до норм, інститутів і цінностей європейської демократії, до визнання людини найвищою соціальною цінністю, а захист прав і свобод