We can see, that the main task of this law is protecting of interests of individuals, and IHR doing the same. It happens, because logic of international humanitarian law runs strictly parallel to the logic of human rights law, elevating effectiveness and broad protection over strict interpretation of legal instruments.

But it is likely that human rights thinking influenced both. As human rights law continued to develop, its impact on IHL has been unmistakable. Theodore Meron labels it the "humanization of humanitarian law," and Gabriella Blum calls it the "individualization of war." Both authors mean not only the evolution of ever-greater humanitarian protections in IHL, but also a gradual move toward regarding those protections as rights of the protected individuals and not of their states or collectivities. That is a remarkable change, for more than any other human activity, war collectivizes, whereas human rights law individualizes.

The Human Rights orientation of Humanitarian Law is most prominent in the law of belligerent occupation, where hot combat is the exception and the occupying forces must assume at least limited governance functions. In occupations, the issue of whether the law of war or the law of peace should apply is maximally unclear. The ICJ has held that the "protection of the [ICCPR] does not cease in times of war," which suggests that human rights law always predominates. But the ICJ adds that the law of war, as lex specialis (special law), defines the meaning of human rights in wartime. A killing that would be arbitrary in peacetime might not be so on the battlefield. This means that in practice, human rights protections in wartime can be no broader than the protections in IHL (at least on matters that both of them address).

To sum up, IHL develops by absorbing certain provisions of the IHR and adapting them to situations, which it regulate. IHL and IHR was created for different cases but they pursue the same goal - the protection of the human dignity of every person in any situation.

References

1. Allen Buchanan, The Heart of Human Rights/ A.Buchanan- Oxford: Oxford Univ. Press, 2013.- 336 p.

CIVIL CIRCULATION OF CRYPTOCURRENCY

ANATOLII PROKOPYSHYN
I. Y. VERES, Associate Professor, Ph.D. in Law
ALLA RADU, Associate Professor, Ph.D. in Philology
Ivan Franko National University of Lviv

Cryptocurrency, *blockchain*, *ICO*, *tokenization*, *smart contract*, these and many other terms are becoming more and more usual for people who follow the current developments in the shere of information and data technologies and that of economy. Despite the fact that these terms are not generally well-known, they

denote significant achievements in fiscal operations. The lack of legal regulation of these novelties in financing causes considerable harm to the economy and social life.

First of all, it is important to outline the modern ways of regulating civil circulation of cryptocurrency, as it is done in the USA, Luxembourg, and other developed democracies. The Ukrainian experience in solving these issues needs comparison with the western legal experience.

The Civil Code of Ukraine [1] in Part 1 of Article 177 defines the objects of civil law as things, including money and securities, other forms of property and property rights, results of work, services, and intellectual or creative activity, information, as well as other material and non-material goods. This broad variety of possible objects of civil law causes considerable problems in proper determination of the nature and functioning of cryptocurrency. In the Ukrainian law the first normative definition and explanation of cryptocurrency was made by the National Bank of Ukraine at the end of 2014 [2]. It defined cryptocurrency as a monetary substitute without real value. So it means that the sale or purchase of any 'monetary substitute' for US dollars or other foreign currency has the signs of the so-called "financial pyramids" and such financial operations are banned in Ukraine. But the Civil Code of Ukraine [3] also states that the types of objects removed from civil circulation must be directly defined by law. It means that the prohibition of cryptocurrency in civil circulation is lawless.

However, according to the Constitution of Ukraine [4], the Civil Code of Ukraine, the Law of Ukraine "About Payment Systems and Transfer of Funds in Ukraine" [5], and the Decree of the Cabinet of Ministers of Ukraine (1993) [6] hryvnia is the only legal means of payment in Ukraine. Nonetheless, lots of agreements have been already concluded based on new technology, namely: smart contracts and cryptocurrency.

The legal aspect of the global experience in legal regulation of cryptocurrency civil circulation is of special interest. The most striking example is that of Luxembourg. The government of this little and prosperous county gave the first license to a company allowing it to make payments, transfer and exchange cryptocurrency. Also they gave a license to Bitstamp Exchange, the latter became the first legalized crypto-market in Europe.

On December 6, 2013 the National Bank of Croatia decided that cryptocurrency is a payment instrument that cannot be equated with electronic money, but its use in the country is lawful. Of course, such a conclusion does not put the cryptocurrency on equal terms with the Croatian coon, which by law is recognized as the only legal means of payment, but the decision to accept or reject cryptocurrency for the payment of goods and services depends on the seller.

There are transactions of sale, exchange of cryptocurrency under civil law. For example, the capitalization of the five most widespread cryptocurrencies flutters over $ 200 billion. Thus, cryptocurrency operations require legal regulation not only in Ukraine but worldwide. The lack of such regulation causes the further development of criminal structures, besides, it has negative impact on economy.

For example, terrorist organizations in the Middle East are sponsored in cryptocurrency. All this is caused by the impossibility or partial possibility of tracking the owners of "monetary substitute". In countries where this issue is regulated by law, the use of cryptocurrency for illegal purposes is impossible. The rest of the countries with partial regulation of this issue (e.g.: Ukraine) practice different norms of law, court decisions on similar cases differ among themselves, which is the violation of the basic principle of legal certainty.

References

1. The Civil Code of Ukraine [Part 1 of Article 177] – access mode: http://zakon2.rada.gov.ua/laws/show/435-15/paran1036#n1036
2. National Bank of Ukraine Explanation (from 10.11.14) – access mode: https://www.bank.gov.ua/control/uk/publish/article?art_id=11879608
3. The Civil Code of Ukraine [Part 2 of Article 178] – access mode: http://zakon2.rada.gov.ua/laws/show/435-15/paran1036#n1036
4. The constitution of Ukraine[Article 99] – access mode: http://zakon3.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80/paran4597#n4597
5. the Law of Ukraine "About Payment Systems and Transfer of Funds in Ukraine"- access mode: http://zakon5.rada.gov.ua/laws/show/2346-14
6. Decree of the Cabinet of Ministers of Ukraine (1993) – access mode: http://zakon5.rada.gov.ua/laws/show/15-93

THE BODIES OF GOVERNANCE OF LEGAL ENTITY

SOLOMIYA-MARTA RANEVYCH, student
MARIYA BATENCHUK, Assistant (Law), Scientific Adviser
NATALIA HRYNYA, Associate Professor, PhD in Philology
Ivan Franko National University of Lviv

The aim of this thesis is to investigate the legal entity, especially its bodies, which are one of the main participants of civil relations. The topic is really actual because a legal entity is a quite complicated complex with appropriate internal structure. The classification, organizational-legal forms and the bodies of legal entities are also researched in this thesis.

Legal entity is considered to be an organization established and registered according to the procedure specified by the law. Having analyzed the statements of the Civil Code of Ukraine and Law of Ukraine on Economic partnerships, we can distinguish the main signs of legal entities, such as organizational unity; property independence; self-dependent responsibility; registration according to the procedure specified by the law; presence of legal capacity and capability; an ability to act as a plaintiff or a defendant in the court.

What about the classification of legal entities, we must point out that they can be divided into the legal entities of the Private law (established on the basis of constituent documents) and the legal entities of Public law (established by the