

Boccaccio, Rotterdam, Petrarch. In the XVII century and later G. Skibinsky's writings had a great success, they were read, rewritten. How ended the fate of this gifted person - is unknown. He died in 1716 in Moscow, forgotten by his entourage.

Hryhoriy Skibinsky's works, therefore, contributed to the development of theological science, history, as well as the spread of the ideas of the Renaissance and the development of Ukrainian culture in general on the Ukrainian lands.

## **CIVIL LEGAL PERSONALITY OF LEGAL ENTITY**

**Danylo Marunchak**, student

**Svitlana Lepeh**, Associate Professor (Law), Research Advisor

**Natalia Hrynya**, Associate Professor, Language Consultant

*Lviv National University after Ivan Franko*

The rights of the legal entity began to develop very quickly with the start of the new millennium. What was previously impossible and sounded like a scientific fiction is now quite real. A legal entity receives new rights and duties that change the principles of its work. Civil legal personality of a legal entity is an ability to be the subject of civil relations. It consists of civil legal capacity and civilian capacity of this person.

The legal capacity of a legal entity is its ability to have civil rights and duties that arise from the moment of the creation of a legal entity and stop exist from the day the entry is made to the Unified State Register of the record about its termination.

Under Article 91 of the Civil Code a legal entity is able to have the same civil rights and duties as an individual, except those that by their nature may belong only to a person. So, to replace the special legal capacity of a legal entity, which was envisaged by the Soviet civil law, the principle of universal legal capacity has come, which is a reflection of the current trend of development of the Civil law of Ukraine.

It should be noted that the legal capacity of a legal entity has expanded not only due to the provision of its features of universality, but also due to a change in approach to resolving the issue of what rights such person may have. If traditionally it was emphasized on the property rights of a legal entity now, there are their personal non-property rights at the same level with them in the Civil Code. Article 94 of the Civil Code establishes that a legal entity has the right to inviolability of its business reputation, the secret of correspondence, information and other personal non-proprietary rights that may belong to it. In this case, personal non-property rights of a legal entity are protected on a general basis in accordance with Chapter 3 of the Civil Code. Judicial defence of dignity, honour and business reputation due to the sharing of false information is not excluded if the person who shared such information is unknown (for example, when sending anonymous or pseudonymous

letters or requests). In this case, the court may, on the request of the person, establish the fact of the untruth of this information and refute it in the order of separate proceedings. Such an application is considered to be defined in Chapter 4 of the Civil Code.

However, the volume of civil capacity of a legal entity is not unlimited, since it is determined by its constituent documents. This means that commercial organizations if their constituent documents do not contain an exhaustive list of activities they can carry out, may engage in any business activity that not prohibited by law. Realizing your own legal capacity, a legal entity can conclude into any agreements. However, if, for example, the constituent document of a legal entity has an exhaustive list of possible types of its activities – it is endowed with a special legal capacity, outside which it is not permitted to go. Deals concluded by such a legal entity beyond its legal capacity are void. Limitation of civil capacity of legal entities may take place by a court decision in cases specifically foreseen by law.

In addition, the limitation of the legal capacity of a legal entity can be considered as a rule from Article 91 of the Civil Code according to which the implementation of certain types of activities, the list of which is established by law, is possible only after obtaining a special permit (licence). This rule applies to legal entities endowed with both a special and universal legal capacity. This requirement applies both to entrepreneurial and non-entrepreneurial organizations.

The civil capacity of a legal entity is its ability to acquire civil rights through its own actions and to assume civil liabilities. Civilian legal capacity is exercised by a legal entity through its bodies acting in accordance with the law, other legal acts and constituent documents. The composition and list of bodies of a legal entity, the competence of each of these bodies, the order of their formation, are determined for different types of legal entities of the Civil Code and relevant Civil law. Bodies of a legal entity form and express its will, therefore, it is through them that a legal entity acquires civil rights and acquires civil duties. However, persons who implement the legal capacity of a legal entity, may be under Part 2 of Article 92 of the Civil Code be other entities that are its participants.

Under Part 3 of Article 92 of the Civil Code the person who conducts business of the legal entity and acts on its behalf on the basis of the law or constituent documents, must act in good faith and reasonably, provide by all possible legal means protection of interests of the legal entity which he/she represents. In this case, the body of a legal entity or other entity acting on its behalf can not go beyond the powers granted to them. To realize the legal personality of a legal entity, its location is important. In particular, when dealing with issues related to the fulfillment of obligations in which it participates, the definition of jurisdiction of disputes, etc. The Civil Code notes that the location of the legal entity is the address of the body or persons who, in accordance with the constituent documents of the legal entity or the law, act on its behalf.

In order to realize the legal personality of a legal entity, branches or representative offices may be established by it.

Affiliate is a separate unit that performs all or part of the functions of the legal entity itself on behalf of the legal entity. They are created for the activities of a legal entity outside its location. Such affiliates are most often formed by educational and scientific institutions. However, it can be enterprises producing goods, services, carrying out other, business activities.

Representative offices are created to represent and protect the interests of a legal entity outside its place of location. Such representative offices are almost always created by large enterprises in the places of suppliers, buyers and consumers.

To sum up, one can say that a legal entity is capable of having the same civil rights and obligations (civilian capacity) as an individual, other than those which by their nature may belong only to a person. Civil legal personality of a legal entity consists of civil capacity and civil capacity of this person. The feature of the development of a legal entity in our time is that its personal non-property rights go to one level with its property rights, which was never before. Often, for the purpose of realization of their legal personality, legal entities create affiliates and representative offices, which considerably simplify their work.

#### **References:**

1. Цивільний кодекс України : станом на 04.02.2019 р. : відповідає офіц. тексту. – Харків : Право, 2013. – 440 с.
2. Братель О. Г. Цивільне право України / О. Г. Братель, С. А. Пилипенко. – Київ : Вид. О. С. Ліпкан, 2010. – 256 с.
3. Харитонов Є. О. Цивільне право України / Є. О. Харитонов, О. І. Харитонova, О. В. Старцев. – Вид. 3-тє, переробл. і допов. – Київ : Істина, 2011. – 808 с.
4. Цивільне право України. Особлива частина / за ред.: О. В. Дзера, Н. С. Кузнецова, Р. А. Майданик. – Київ : Юрінком Інтер, 2010. – 1176 с.
5. Цивільне право України. Особлива частина : підручник / за ред. : В. Г. Фазикоша, С. Б. Булеци. – Київ : Знання, 2013. – 752 с. – (Вища освіта ХХІ століття).
6. <http://www.unlimited-translate.org/en/dictionaries/ukrainian-to-english/translate/%D0%BE%D1%81%D0%BE%D0%B1%D0%B0.htm?>

UDC 649.1

## **DEMOCRATIC GOVERNMENT: TEMPORAL DELIMITATION**

**Yaroslav Morozov**, student

**Kseniya Nesterenko**, Associate Professor, PhD (Philology), Research Advisor  
*Yaroslav Mudryi National Law University*

The relevance of the topic is based on the issue of the time requirements for an accountable and efficient government. It is a well-known fact that the government is an essential pillar of a democratic society. The rise of democracy had begun in the 20th century and reached its highest point in the 1990s, after the