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LEGAL FACTS IN FAMILY LAW AS AN INDICATOR OF THE LIMITS OF LEGAL REGULATION

The author aims to establish the basic regularities of definition of limits of legal regulation in family relations, influencing granting of legal status of legal facts to those life circumstances that give rise to accrual, modification or termination of the respective relations in the family. The question of the possibility of extending the regulation of family relations on the general principles of the functioning of the institutions of civil society is considered.

Life circumstances, being the basis of accrual, modification or termination of family relationships, acquire the status of legal fact in case of their coverage of legal regulation of social relations.

The limits of legal regulation of family relations depend on which model of co-existence of the state, civil society (religious and civic organizations, including children and youth, charitable associations, parents' committees, etc.) and families is formed at a certain historical stage of development of society.

Family is an independent sphere of social relations, the main feature of which is its private nature. It separates

the family from both the state and civil society. The fact that the family is not an institution of civil society indicates no reason for it to be covered by the principles of operation of the latter.

The main way to establish legal facts in family law is consolidation (through direct order) or recognition (by defining the scope of liberties, in which the parties can independently determine the grounds of accrual, modification or termination of the relevant type of relationship) in positive law. However, it should be kept in mind that positive law: a) must be subjected to critical evaluation for compliance with the objective limits of legal regulation; b) may be subjected to dynamic interpretation, if public relations as a result of development require different behaviors. In addition, the state may partially authorize the regulations established by institutes of civil society (for example, statute of NGO), thereby granting them legal status. Life circumstances, determined by such rules as the basis of accrual, modification or termination of family relationships, acquire the status of legal fact.