

that the property rights of the author does not have to be taken into account when determining the compulsory share of inheritance to claim that these rights should apply in full general rules of inheritance.

In considering this issue must first examine what the consequences may be application of the provision on compulsory share of inheritance in succession to copyright, including the possibility of applying the provisions of the compulsory share of inheritance in the transition copyright to compensation in accordance hereditary succession, defining required sure to share in the inheritance of the exclusive rights to use the work, and to consider the protec-

tion of moral rights by persons entitled to a compulsory share of inheritance.

Analysis of the possibility of application of the compulsory share of inheritance in succession copyright leads us to conclude that the national legislation does not currently contain any provisions that would allow deny the application of these provisions in succession copyright, no despite the fact that this may lead in practice to a number of negative effects. In order to address the shortcomings outlined need to make changes to the national legislation regarding establishment of a special order of application of the compulsory share of inheritance for cases of inheritance copyright.

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INTERPRETATION OF STATE REQUIREMENTS CONCEPTION IN THE FIELD OF PUBLIC PROCUREMENT

Public procurement can be defined as a system of relations between the state (public customers) and business entities of all forms of ownership (implementing procurement) related to the planning, development, deployment and execution of planned intercourse for the supply of goods, works, services by means of a public contract in the specified range to meet the needs of the state according to budget and other funding sources. The main goal of the process of public procurement is to meet public needs.

The legal definition of «state requirements» conception identifies the specific procurement as state regulation of the

economy. But despite the legal definition of this concept, there are scholars that equate the «public requirements» with the «public order», expounding the meaning of term «public requirements» in the field of public procurement incorrectly. Therefore, the article focuses on the distinction between «public order» and «public requirements» and the interpretation of «public requirements» in the field of public procurement.

Some authors argue that the concept of «public order» narrower than the concept of «public requirements». (L.M. Davletshyna, K.V. Kychyk, L. Karatanova and M. Kurz). But, considering this position,

scholars argue that we should not equate the above concepts. Indeed, «public order» and «public requirements» are definitions, related to different areas. The state order is a system of relations between the state and business entities of all forms of ownership, directed on satisfying the state requirements.

State requirements should be interpreted as requirements, directed on solution of the major social and economic problems, implementation of national and international programs and functioning the subjects of public procurement on the account of state budget and other sources of funding.

There is a scientific idea that public requirements are special public interests, which are provided by the usage of specially developed legal mechanism.

The term «public requirements» is a legal definition, but the term «public inter-

est» is some broader issue. The concept of state requirements is based on the notion of deliberated and accepted by state public interest. Satisfaction of state requirements is the main pre-condition for satisfaction social and state needs. State requirements have an economic and social sense. In other words the concept of «requirement» is closely connected with the notion of «interest».

Taking into account interpretation of «state requirement» conception in the field of public procurement the author of this article supposes it would be appropriate to use the term «public requirement» instead of the term «state requirements», i.e. to insert changes in Art. 1 of the Law of Ukraine «About State Order for satisfaction state requirements». This will enable to approximate «state requirements» interpretation to the real economic relations (interest) in the field of public procurement.

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CORRELATION OF LEGAL INSTITUTIONS OF RESTITUTION AND VINDICATION IN THE CIVIL LAW OF UKRAINE

The difference between person of restitution claim and vindication is based on differences in the legal nature of these civil-law institutions. Vindication is a rem way to protect rights, but restitution is an obligation requirement. We can't agree with the position on the legal nature of restitution as vindication requirements.

It is commonly claimed that vindication is proprietary (or rem) way rights to protect legal rights. The essence of this method is that the owner may reclaim property that he owns, from the person who owns them without any legal grounds.

Restitution as a protective measure, intended to restore the legal status of per-