

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-

sons by returning those persons each other everything that they gave in invalid deal. Thus, unlike vindication, restitution is always has obligatory nature, and that's why

refers to the binding legal ways to protect rights and interests of different persons. The parties of restitution obligation always are the parties of invalid deal.

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## THE FORMATION AND DEVELOPMENT OF THE INSTITUTION OF NOTARIES' ACTIONS APPEAL IN UKRAINE

The degree of development of scientific issues related to judicial order of appeal to notaries enough, although in recent years Ukraine has a significant amount of work has been devoted to the specific issues of Notaries (V.V. Barankova, A.A. Grynenko, G.Y. Gulevskaya, N.V. Ilieva, N.V. Karnaruk, V.V. Komarov, I. Miller, J.P. Pantalienko, A.I. Popovchenko, K.I. Fedorova, E.I. Foursa, S.Y. Foursa etc.).

Special attention deserves the thesis of the domestic legal K.L. Zilkovskaya on «Judicial Procedure for appeal of notarial acts and their denial of having committed» (Odessa, 2013), which contains specific proposals for legislative regulation of the order of the court of appeal to notaries. However, these proposals should not be limited to novels of the Law of Ukraine «On Notary» and the Code of Civil Procedure. Because of the uncertainty of the legal nature of the Institute of appeal to the notary legal system of Ukraine, the domestic legislation does not yet contain the relevant rules, which would be clearly regulated by a special procedure for applying to court for appeal of notarial acts, denying the transaction.

In the Verkhovna Rada deputies I.G. Berezhnaya, I.A. Gorina was introduced a new version of the draft law on notaries, which was registered in the Verkhovna Rada of Ukraine of March 22, 2013 (№ 2627). «The draft Law of Ukraine «On Notary» Article 83 established that the dispute about the wrong notarial acts or illegality in the commission of a notarial act, or failure in the commission of a notarial act is considered by court action proceedings under the rules of civil procedure.

Also I.G. Berezhnaya was introduced the draft of the Ukraine (№ 3197 from 19.09.2008), buyout goes through a certain process improvements based on the resolution of the Verkhovna Rada of Ukraine on 19 April 2011 «On returning to the finalization of the draft of the Notary Procedure Code of Ukraine.»It provides, in Article 79, which regulates the recognition of the notarial act invalid, it is determined that the issue of law that is associated with a notary's actions before the courts of civil jurisdiction in the order of action production. Article 80 of the draft of the Ukraine devoted to the appeal of illegal notarial acts or denying the transaction.