

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.

*Ilina Y.P.,  
Senior Instructor,  
Department of civil and economic law and proceeding,  
International Humanitarian University*

## 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.

This article also found that the consideration of such cases shall be made in the order of action of civil proceedings. In the development of the new Law on Notaries and NPK Ukraine should pay particular

attention to not only the organization of notaries, notaries notary order fulfillment operations, but also focus on the regulation of the procedure of appeal to notaries, given the demands of the civil procedure law.

*Kaneva S.Yu.,*

*Degree-seeking applicant, Department of private law,  
Faculty of private law, IEML Russian State Humanitarian University,  
Expert of Funds of obligatory medical insurance of the RF*

## **PARTICULARITY OF PERSONALIZED ACCOUNT OF THE INSURED PERSONS' RIGHTS IN RELIGIOUS AND OTHER BELIEFS IN THE FIELD OF COMPULSORY MEDICAL INSURANCE**

The article is devoted to the issues of legal status of personal data, to problems appearing in the process of application of legislation on personal data, concordance of Russian legislation on personal data with the Federal law «About obligatory medical insurance in the Russian Federation» for the protection of individuals with regard to automatic processing of personal data.

Obligatory medical insurance is a part of system of the state social insurance. It is a specific kind of insurance which provides to all citizens free health services.

Realization of services in program of obligatory medical insurance as well as in all other kinds of insurance, is regulated by rules, only in this case rules are established by the law of the Russian Federation «About obligatory medical insurance in the Russian Federation» (Federal law № 326-FZ).

Regulations of the Federal law № 326-FZ and published in order to ensure implementation of Federal law № 326-FZ com-

pulsory health insurance regulations don't regulate the sphere of religious rights of the citizens (religious views).

All in all the provisions of the Rules of compulsory medical insurance does not touch Constitutional rights of the insured persons in the field of religious and other beliefs, and do not contradict the legislation of the Russian Federation, including the law on freedom of conscience and religious associations.

Under the terms of paragraph 4 of article 13 of the Federal law of 21.11.2011 № 323-FZ «On fundamentals of protection of the health of citizens in the Russian Federation» provision of information constituting a medical secret, without the consent of a citizen or his legal representative are allowed to implement the accounting in the system of compulsory social insurance.

Current legislation of obligatory medical insurance deletion of the personal data of insured persons from the unified state register of insured persons is not provided.