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GUARD OF THE INHERITED PROPERTY BY THE PERFORMER OF TESTAMENT (ACTUAL QUESTIONS)

The scientific article is devoted to the actual questions of guard of the inherited property, in particular by the performer of testament.

Author analyses of current legislation, notarial and judicial practice, scientific literature in relation to the guard of the inherited property, subjects, having a right to put a question about introduction of guard of the inherited property, to application of certain measures on the guard of inheritance.

Author paid attention, that different concepts of guard of the inherited property are presented in literature. The circle of subjects is analysed, which having a right to initiate introduction of measures on the guard of property, and also plenary powers that get to the performer of testament for his guard. In legislation there are no absence which fixing limits plenary pow-

ers of performer of testament therefore author analyses positions of scientists about this aspect of question. Paid attention that a legislator also does not decide a question about terms on that the guard of the inherited property can be entered.

Author offers his own decision of guard of the inherited property, as a complex of legal and technical events that accept the interested persons or at their direction the permitted assignee is a performer of testament with the purpose of providing of guard of property and inheritance in the order set by a law.

Author set his own position about high efficiency of actions of performer of testament in case of necessity of acceptance of measures is grounded on the guard of the inherited property, and also necessity for populaces this figure in a professional environment.

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NOTARY SECRECY AS ONE OF IMPORTANT COMPONENT OF A NOTARY'S ACTIVITY

One of the goals of modern Ukrainian jurisprudence, rulemaking and enforcement practice, which are connected with consolidation of the new democratic

principles and the creation of a genuine rule of law in Ukraine is a real security and protection of the rights and freedoms of man and citizen according to the prin-

ciple of equality before the law and court. According to this principle it is supposed freedom and security for some categories of citizens, taking into account the conditions and the nature of the special inter-governmental and social functions. Mentioned citizens are given equal freedom with others people and protection, as well as additional guarantees against unlawful encroachments of individuals and even of the state to create the conditions necessary for the performance of their duties. An important place among these additional guarantees belongs to the observance of the notary secret.

The duty to keep secrecy of notarial acts is the foundation of a notary's activity and prevents the possibility of occurrence of adverse effects in the case of disclosure of secrets. In this regard, it is important to fill the gaps in the legal issues of the notary secret.

Thus, the realization of the principle of keeping secrecy of notarial among other things allows showing the practical effectiveness of notaries as public-law institution. And this effectiveness is largely depends from the existence of independent, developed notary, and its complete effective functioning.

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LEGAL ASPECTS CONCERNING THE CEASING OF AGENTS OF ECONOMICAL ACTIVITY OF GENERAL INVESTING

The current demand of the modern management in the sphere of economical activity of general investing is the problem solving connected with the ceasing of such an activity.

To the problem of legal regulation of economical activity of general investing are devoted home and foreign scientists' works – lawers and economists, such as: O.O. Ashurkova, S.O. Birukova, E.V. Bobrova, V.M. Butuzova, O.M. Vinnuk, O.V. Haragonycha, S.M. Hrudnytska, Yu.M. Zhornokuia, V.V. Kudriavtseva, V.V. Lapatieva, V.K. Mamutova, M.B. Maschenko, D.A. Leonova, A.A. Peresady, O.P. Podtserkovnyi, V.V. Poiedynok, V.Yu. Polataia, V.V. Rieznikova, V.S. Scherbyny, O.M. Yuldasheva and others.

In fact the problems of legal regulations of the ceasing of agents of economical activity of general investing haven't found the clear reflection both on the level of legislative act and on the level of legal doctrines that have led to the present discussions and representations of effective norms of economical legislation, and also its practical training. The analyses of the current legislation and its practical usage focus on the necessity of more precise legislative regulation in the above mentioned issues.

The aim of this article is to revile the peculiarities of the ceasing of agents of economical activity of general investing.

Great theoretical and practical value of the investigated problem is the differ-