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CHOICE OF LAW RULES IN MARRIAGE

In this era of globalization and liberalization, the transnational migration of people is on the rise. With the increasing number of foreign marriages and divorces, a significant rise in matrimonial disputes is taking place. For that reason, there is a need for the unification and codification of rules of conflict of laws relating to matrimonial matters. Practical inconvenience and hardship can result for people who are treated as married according to the law of one country but not married according to the law of another. When marriage-related issues arise between couples with diverse backgrounds, questions as to which legal systems and norms should be applied to the relationship naturally follow with various potentially applicable systems frequently conflicting with one another.

The standard choice of law rules for adjudicating on issues relating to marriage represents a balance between the *lex domicilii* or law of the domicile in common law states, and either the *lex patriae* or law of nationality, or *lex loci celebrationis* or law of habitual residence in civil law states. With this difference of approaches to the nature of marriage the question arises as to which choice of law rules should apply in the case of transnational marriages. The rules of international private law of many countries recognise that the *lex loci celebrationis* should determine the formalities for the validity of marriage.

For example, in English private international law, leaving aside the few exceptions, the rule of *lex loci celebrationis* is a must. In Europe, the requirement is that the marriage should be formally valid either by the *lex loci celebrationis* or by the personal law of the parties. Under French law a marriage which is solemnized outside France should be formally valid either as per the law of the place where it is celebrated or as per the personal law of the parties. The same is the case with the German law. In the Eastern European countries, the principle of *locus regit actum* is the governing norm. In these countries, it is well established principle of conflict of laws that a marriage to be formally valid must be in accord with the *lex loci celebrationis* [1].

The internal laws of different countries differ widely from each other. The difference is not only in respect of the internal law of countries, but also in respect of rules of conflict of laws, due to which conflicting decisions have emerged in various countries on the same issue/s. There are two models for the unification of private international law: (1) unification of the internal laws of the countries of the world; (2) unification of the rules of private international law. On account of basic ideological differences among the countries of the world, it is not possible to achieve unification of all private laws.

Therefore, after World War II, steps were taken to establish the Hague Conference on Private International Law (HCCH) as an intergovernmental organisation, governed by its Member States and administered by a secretariat, the Permanent Bureau. The treaty establishing the HCCH, the “Statute of the Hague Conference on Private International Law”, was adopted during the Seventh Diplomatic Session of the HCCH in 1951, and entered into force on 15 July 1955 [2]. Ukraine officially became a Member

of the Hague Conference on Private International Law on 3 December 2003. Ukraine's participation in the Hague Conference and its conventions will contribute to further development of the Ukrainian legal system, based on the world's standards, establishment of Ukraine's cooperation with other states in various domains of private law and protection of rights and freedoms of Ukrainian citizens.

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LEGAL GROUNDS OF THE BITCOIN AS A DIGITAL CURRENCY

Bitcoin is a revolutionary type of currency that is not tied to any one state, government, bank, financial system, or even to a tangible like gold. The creator of bitcoin remains anonymous but uses the alias Satoshi Nakamoto. Nakamoto created Bitcoin in part to resolve the challenge of creating a digital currency that totally liberated from the traditional banking system. It is created and held electronically, on a computer. Bitcoins are not paper money like dollars, euro or yen by central banks or monetary authorities. Bitcoin is the first example of a cryptocurrency, which is produced by people and businesses all over the world using advanced computer software that solves mathematical problems. Bitcoins are created as a reward for a process known as mining [2]. There is a great deal of debate about whether Bitcoin is a currency. The official definition of currency may leave you more confused about whether Bitcoin is a currency or something else. After all, it certainly meets some of the characteristics in the definition, but not others. In September 2015, the Commodity Futures