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LEGAL STATUS OF CHILDREN AND MINORS

Legal status of children and minors is one of the key aspects of civil law. It is declared in many acts such as Civil Code, the Constitution of Ukraine, Declaration of the rights of the child. So the aim of this research is to analyse theoretical and practical aspects of this problem.

Legal status consists of such elements as legal capacity, legal capability, rights, obligations, legal interests, legal liability.

All natural persons shall be able to have civil rights and obligations (legal capacity). It is an inborn right of each person, so it belongs to both children and minors. Natural person's legal capacity shall occur at the moment of his/her birth and shall be terminated at the moment of his/her death.

A natural person who is able to perceive and control his/her actions shall have legal capability. Natural person's legal capability is his/her capability to acquire civil rights by his/her actions and to exercise them independently as well as capability to create civil obligations by his/her actions, perform these obligations independently and bear responsibility therefor in case of non-performance thereof.

The scope of the natural person's legal capability is specified by two factors: age and the state of health. According to the health status a person could be acknowledged as limitedly capable or incapable.

Depending on the age there are 3 levels of legal capability:

- partial legal capability of a natural person under 14 years of age
- partial legal capability of a natural person from the age of 14 till 18
- full legal capability of a natural person who reached 18 years of age

The natural person who has not attained fourteen (a child) shall be entitled:

- to take independently nonessential social legal actions.
- Legal action shall be regarded as nonessentially social one if it meets social needs of a person, complies with his/her physical, moral and social development and relates to the object with low value;
- to exercise his/her non-property rights to the outcomes of intellectual and creative activity protected by law.

A child shall not be responsible for the losses inflicted thereby.

In addition to legal actions of a child, a natural person at the age from 14 till 18 (minor) shall be entitled:

- to dispose independently of his/her earnings, fellowship or other incomes;
- to exercise independently his/her rights to the outcomes of intellectual and creative activity protected by law.
- to become a participant (a founder) of legal entities unless it is prohibited by the law or constituent documents of the legal entity;

— to conclude independently the bank deposit (bank account) agreement and dispose his/her deposit entered in his/her favor (costs on his/her account).

The minor shall take other legal actions by getting permission of his/her parents (adoptive parents) or guardians. Taking legal actions by a minor with respect to transportation means or real estate must be acknowledged by the notarized approval of parents (adoptive parents) or a guardian and by permission of a guardianship and trusteeship body. A minor may dispose of cash means deposited by other persons to the financial institution by permission of parents (adoptive parents) or guardians. Approval of making legal actions by the minor may be received from parents (adoptive parents).

A minor shall bear personal liability for the breach of the agreement concluded thereby independently according to the law. A minor shall bear personal liability for the breach of the agreement concluded thereby by the approval of his/her parents (adoptive parents) or guardians. If a minor has not enough property to indemnify for losses, his/her parents (adoptive parents) or guardians bear additional liability.

The guardianship and trusteeship shall be established with the purpose of ensuring personal non-property and property rights and interests of children and minors. The guardianship shall be established over the children deprived of parents' care and trusteeship should be established over the minors void of parents' care.

Guardianship shall be terminated:

- if a child is returned to parents (adoptive parents);
- if the ward attains 14 years of age. In this case the person who performed guardian's duties shall become a trustee without special decision thereon;
- in case of restoration of legal capability of a natural person recognized as legally incapable;

The trusteeship shall be terminated in case of:

- natural person's attainment of full legal age;
- registration of minor's marriage;
- provision of a minor with full legal capability;
- restoration of legal capability of a natural person with the restricted legal capability.

To sum up, people who don't attain legal age couldn't exercise their civil rights and fulfill obligations because of their physical and mental immaturity. Therefore, they need special protection to be the subject of civil relations.

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DAS KONZEPT DER ZUKUNFTSFDHIGEN ENTWICKLUNG IM UMWELTRECHT IN DER UKRAINE

In unserer Zeit kommt der Schutz der Umwelt in den Vordergrund. Die Folgen der mangelnden Aufmerksamkeit auf das Problem könnten katastrophal sein. Es