

All in all, forming of law-based state is rather difficult process. We have many problems but their solving is impossible without interference by public authority. It's not easy to use European practice because we have a lot of differences. The best way is to use only tested developments adapted to our realities. Some people think that we need only to change the state and everything will be perfect but it is not true because the society needs changes in general. Only active collaboration can give us possibility to form a real law-based state which will be highly-developed like other European countries. It needs a lot of time, work, possibilities, experience, etc.

References

1. Кельман М.С. Загальна теорія держави і права: підручник / Кельман М.С., Мурашин О.Г. – К.: Кондор, 2006. – 477 с.
2. Кравчук М.В. Теорія держави і права (опорні конспекти): навч. посіб. / М.В. Кравчук; 3-тє вид., переробл., доповн. – Тернопіль: Терно-граф, 2013. – 608 с.
3. Скакун О.Ф. Теорія держави і права: підручник / пер. з рос. – Х.: Консум, 2001. - 656 с.

Romanenko Volodymyr

(Романенко Володимир)

a 2-year student of the Law faculty

Lviv National University of Ivan Franko

Scientific Supervisor: PhD, Associate Professor of

the Department of Foreign Languages for Humanities of LNU

Anetta Artsyshevskia

REORGANIZATION OF LEGAL ENTITIES

To start with, the term «legal entity» is one of key terms in civil law of Ukraine. Legal entities have their civil rights, actively use them and are full participants in civil legal relations, so everything concerning legal entities is comprehensively regulated by civil law, including the procedure of reorganization. Besides its legal meaning, «reorganization is one of the processes that support the creation of sustainable, competitive and financially independent business partnerships as a way of optimizing their operations depending on market conditions»[4].

The term «reorganization of legal entity» is not defined in Civil and Commercial Codes of Ukraine, although it is described as one of the ways of legal entity termination. This is the narrow approach to reorganization unlike the wide approach which means reorganization including every important change in legal entity functioning. S. V. Martyshkin gives his definition: «Reorganization is a special process which results in termination and/or creation of legal entity, due to the transfer of rights and duties from legal entity-predecessor to another legal entity-successor in legal-succession order»[3, p.7]. It is agreed to distinguish the following characteristics: 1) universal legal succession, which includes the transfer of property, rights and duties of the entity-predecessor to the entity-successor; 2) termination and/or creation of legal entity in the process of reorganization; 3) legal entities are subjects of reorganization; 4) it results in changes of financial situation of the legal entity-successor, which includes reduction or increment of the statute

capital, and/or changes of the number of the legal entity's participants[4]. The procedure of reorganization is regulated by Civil Code of Ukraine (Articles 105 and 107) [1] and some other laws of Ukraine.

In Civil Code of Ukraine, there are five ways of reorganization of legal entity: merger, affiliation, division, transformation and allocation.

Merger of legal entities –is the combination of two or more legal entities into the new one. Characteristics: 1) termination of the legal entities-predecessors; 2) creation of the new legal entity-successor; 3) mostly voluntary procedure; 4) is carried out with a transference act; 5) consolidation of property, rights and duties of the legal entities-predecessors; 6) transition of joint property, rights and duties to the newly established legal entity.

Affiliation of legal entity – is an accession of one or more legal entities to another legal entity. Distinguishing characteristics: 1) one legal entity continues to exist, the affiliated legal entity is terminated; 2) mostly voluntary procedure; 3) transition of property, rights and duties from the affiliated legal entity to another entity; 4) is carried out with a transference act. Merger and affiliation result in consolidation of the legal entities.

Division of legal entity – is the emergence of two or more new legal entities by dividing another legal entity into parts. Characteristics: 1) termination of the legal entity-predecessor; 2) creation of two or more legal entities-successors; 3) property, rights and duties of the legal entity-predecessor are shared between legal entities-successors; 5) the procedure is mostly voluntary, but it may be forced by the decision of the Antimonopoly Committee of Ukraine (part 1 of Article 48 and Article 53 of the Law on Protection of Economic Competition)[2]; 6) is carried out with a distributive balance sheet.

Allocation of legal entity – is the transition of the part of property, rights and duties to the newly created legal entity or entities by a distributive balance sheet (part 1 of Article 109 of Civil Code of Ukraine) [1]. Characteristics: 1) the entity, out of which allocation is held, is not terminated; 2) creation of the new legal entity; 3) part of property, rights and duties are transferred to the allocated legal entity; 4) mostly voluntary procedure; 5) is carried out with a distributive balance sheet. Division and allocation result in division of legal entities.

Transformation of legal entity – is a change of the legal form of legal entity (part 1 of Article 108 of Civil Code of Ukraine) [1]. Characteristics: 1) termination of the legal entity-predecessor; 2) creation of the legal entity-successor; 3) there is no consolidation or division of legal entity; 4) change of the legal form of legal entity; 5) property, rights and duties of the legal entity-predecessor are transferred to the legal entity-successor (part 2 of Article 108 of Civil Code Ukraine); 6) mostly voluntary procedure; 7) is carried out with a transference act.

To sum up, reorganization of legal entities is quite comprehensively regulated by civil law. The law establishes five ways of reorganization and its procedure. All these ways of reorganization have some similarities and essential differences, but all of them are held to change something in legal entities functioning in order to make them «sustainable, competitive and financially independent» [4].

Reference

1. Цивільний кодекс України від 16.01.2003р. №435-IV: поточна редакція від 2.11.2016р. [Електронний ресурс]// Офіційний веб-сайт Верховної Ради України. – Режим доступу: <http://zakon3.rada.gov.ua/laws/show/435-15>

2. Про захист економічної конкуренції: Закон України від 11.01.2001р. №2210-III: поточна редакція від 18.05.2016р. [Електронний ресурс] // Офіційний веб-сайт Верховної Ради України. – Режим доступу: <http://zakon2.rada.gov.ua/laws/show/2210-14>

3. Мартышкин С.В. Понятие и признаки реорганизации юридического лица: автореф. дис. на соискание учен. степ. канд. юрид. наук: 12.00.03 / С.В. Мартышкин. – Волгоград. – 2000. – С. 7 – 8.

4. Сіщук Л.В. Реорганізація юридичних осіб: теоретико-правові аспекти// Приватне право і підприємництво. Збірник наукових праць. Вип. 14, 2015 р. [Електронний ресурс] / Редкол.: Крупчан О.Д. (гол. ред.) та ін. – Електронні дані. – [К.: Науково-дослідний інститут приватного права і підприємництва імені академіка Ф. Г. Бурчака Національної академії правових наук України, 2014]. – Режим доступу: <http://ndippp.gov.ua/content/випуск-14-2015-рік> (дата звернення 22.01.2017).

Mariia Romanuk

(Марія Романюк)

student of the Law Faculty

Lviv National University of Ivan Franko

Scientific supervisor: PhD, Associate Professor of

the Department of Foreign Languages for Humanities of LNU

Anetta Artsyshevsk

TERMINATION OF PARENTAL RIGHTS

Parents have a fundamental interest in raising their children. All parents have legal rights and duties as a parent - known as 'parental responsibility'. The parents should educate the child in the spirit of respect for the rights and freedoms of others, love to his/her family, relatives and other people. Moreover, they should have the duty to care for child's health, their physical, spiritual and moral development. Parents should ensure that the child obtains full general secondary education and shall prepare them to making their own life. Any exploitation of the child by parents is prohibited.

However, not all parents realize it and adhere to their duties. Termination of parental rights can be applied the court in situations involving neglect or abuse, or if the parent has abandoned their children or refuses to see them. In these cases, it's important to understand the process of parental rights termination so that the proceedings are enacted legally and in the best interests of children. It is important to know the grounds for deprivation of parental rights. There is a large number of cases in the world today because of some loopholes in national legislation of Ukraine.

Article 164 of the Family Code of Ukraine provides that the court may deprive mother or father of parental rights if he/she:

- 1) has not taken the child from maternity home or any other health institution without valid reasons and within six months did not care about the child;
- 2) avoids discharging their duties to educate the child;
- 3) treats the child in a brutal manner;
- 4) is a chronic alcoholic or drug addict;