

ppi 201502ZU4645

Esta publicación científica en formato digital es continuidad de la revista impresa
ISSN-Versión Impresa 0798-1406 / ISSN-Versión on line 2542-3185 Depósito legal pp
197402ZU34

CUESTIONES POLÍTICAS

Instituto de Estudios Políticos y Derecho Público "Dr. Humberto J. La Roche"
de la Facultad de Ciencias Jurídicas y Políticas de la Universidad del Zulia
Maracaibo, Venezuela



Vol.41

N° 76

Enero

Marzo

2023

Trends in the development of civil law at the present stage

DOI: <https://doi.org/10.46398/cuestpol.4176.36>

Nataliya O. Davydova *

Olesia Otradvna **

Iryna Svitlak ***

Iuliia Baieva ****

Viktoriya Hetsko *****

Abstract

The purpose of this article was to scientifically analyze the current trends in the development of civil law in the modern reality, on which follow the authors' proposals to improve its evolution and adaptation. The methodological basis of the study included philosophical approaches, as well as general and special scientific methods of knowledge that meet the main objectives and tasks set in the research. According to the results of the study, civil law today is different not only in the application and protection of rights, compared to the original approaches established by the developers of the current Civil Code and, special sectoral legislation, but also in the change in the paradigm of normative and legal regulation. Everything allows to conclude that, in summary, the authors offer specific recommendations for updating the provisions of the Civil Code of Ukraine, which I include also proposals for changes in civil law. Definitely, civic reflection on all the issues raised in this study makes it possible to consider the problems from a new point of view and to offer, accordingly, comprehensive options for their solution, taking into account the prominent place of the Civil Code in these processes.

* Doctor of Science of Law, Professor, Leading Researcher, Department of Private Law Academician F.H. Burchak Scientific and Research Institute of Private Law and Entrepreneurship of the National Academy of Legal Sciences of Ukraine, 01042, 23-a Raevsky Str., Kyiv, Ukraine. ORCID ID: <https://orcid.org/0000-0002-2362-3724>

** Dr. Habil. (Law), Professor Civil law department, Law School Taras Shevchenko National University of Kyiv, 60 Volodymyrska street, Kyiv, Ukraine. ORCID ID: <https://orcid.org/0000-0002-4206-8412>

*** Doctor in Juridical Sciences, Associate Professor, Head of the Department of Law and Humanities Vinnytsia Educational and Scientific Institute of Economics West Ukrainian National University, Gonty Street, 37, city of Vinnytsya, 21017, Ukraine. ORCID ID: <https://orcid.org/0000-0002-4408-6868>

**** Candidate of Political Sciences, Assistant Professor Department of Political Sciences and Law Kyiv National University of Construction and Architecture 31. Povitroflotsky Avenue, Kyiv, 03037, Ukraine. ORCID ID: <https://orcid.org/0000-0002-7734-3568>

***** PhD, Associate Professor Department of International Law, Uzhgorod National University St. Kapitulna, 26, Uzhhorod, Transcarpathian region, Ukraine. ORCID ID: <https://orcid.org/0000-0001-6690-9493>

Keywords: Civil Code of Ukraine; legal regulation; development of civil legislation; civil law; current legal trends.

Tendencias en el desarrollo del Derecho civil en la etapa actual

Resumen

El propósito de este artículo fue analizar científicamente las tendencias actuales en el desarrollo del Derecho civil en la realidad moderna, sobre las que siguen las propuestas de los autores para mejorar su evolución y adaptación. La base metodológica del estudio incluyó enfoques filosóficos, así como métodos científicos generales y especiales de conocimiento que cumplen con los principales objetivos y tareas establecidas en la investigación. De acuerdo con los resultados del estudio, el Derecho civil en la actualidad es diferente no sólo en la aplicación y protección de los derechos, en comparación con los planteamientos originales establecidos por los desarrolladores del actual Código Civil y, la legislación especial sectorial, sino también en el cambio en el paradigma de la regulación normativa y jurídica. Todo permite concluir que, en resumen, los autores ofrecen recomendaciones específicas para actualizar las disposiciones del Código Civil de Ucrania, lo que incluyó también propuestas de cambios en el derecho civil. Definitivamente, la reflexión cívica sobre todas las cuestiones planteadas en este estudio permite considerar los problemas desde un nuevo punto de vista y ofrecer, en consecuencia, opciones integrales para su solución, teniendo en cuenta el lugar destacado que ocupa el Código Civil en estos procesos.

Palabras clave: Código Civil de Ucrania; regulación jurídica; desarrollo de la legislación civil; derecho civil; tendencias jurídicas actuales.

Introduction

Fundamental principles of civil law development were laid down in the 1990s by the Constitution of Ukraine (2004) and gradual accession to a number of international acts in the field of civil law. At the same time, firstly, the current Civil Code of Ukraine has significantly expanded the number of provisions on property rights, as well as some provisions on the regulation of the institutions of law and property; book four contains a chapter devoted to the general provisions of intellectual property rights, which should also be called an achievement.

Secondly, since the adoption of the Civil Code of Ukraine civil legal relations have acquired a special regulation, for example, in a separate structural part of the Code - Book Four, fully defines the role and importance of intellectual property relations in the national legislation; and this, in turn, emphasizes their private law nature and complexity throughout the legislation in this area; thirdly, the location of the integral array of civil legal rules, almost all objects of ownership known n It is noteworthy that non-property and property rights most clearly coexist today.

Intangible property rights are now also just as important as, and sometimes even much more important than, material rights. The adoption of the code was aimed at further detailing and improving regulations in the civil law sector by adopting laws, and bylaws that would guide and develop modern legal mechanisms for the realization and protection of civil rights (Apetrei, 2014). The issue of introducing digital tools in civil courts in real life is also becoming increasingly relevant.

Well-known Ukrainian and foreign scholars, such as Azimov (1981); Matveev (2018); Dovgert (2019); Kuznietsova (2021); Kapitsa (2006); Yakubivskyi (2019); Nosik (2006); Kryzhna (1999); Bazhanov (2014); Svitnev (2010), and many other civilists and subject matter experts study problems and trends in improving and developing theory and legislation in civil law.

- **Research Problem**

This article offers summaries of positive trends in the development of civil law and identifying ways to update civil legislation, including the Civil Code of Ukraine, to develop modern legislation consistent with international standards and standards of the European Union.

- **Research Focus**

A civilistic view of all the issues raised in this study will allow to consider the problems from a new point of view and offer comprehensive options for their solutions, taking into account the leading role of the Civil Code of Ukraine.

- **Research Aim and Research Questions**

The purpose of this study is to analyze and study the prospects for improvement and changes in the development of civil law in modern realities and to highlight the authors' proposals for improving its evolution and adaptability.

1. Research Methodology

- **General Background**

The methodological basis of the study includes general philosophical approaches, as well as general scientific and special scientific methods of knowledge that meet the main objectives and tasks set by the authors. In the process of scientific research was used dialectical method of scientific knowledge, in the application of which the principles of development, objectivity, and comprehensiveness were taken into account. The dialectical method allowed to substantiate the regularities of legal understanding of the essence and role of the regulation of relations in civil law.

The anthropological approach clarifies the nature of the legal basis for the development of civil law. An important place in the process of studying the legal nature is taken by the synergistic method, which revealed the specifics of certain types of objects and rights. The use of methods and techniques of logic allowed to generalize the approaches to the disclosure of the legal nature of civil law presented in the doctrine.

The historical and comparative method became the basis for identifying the universal and different in the legal regulation of civil legal relations at the present stage. Through the method of complex analysis, an attempt was made to solve complex theoretical and practical problems with the help of interrelated sciences such as philosophy, computer science, sociology, etc. The method of system analysis is widely used in the study as the main in the process of researching the theoretical foundations of the regulation of civil relations.

In turn, the methods of generalization, synthesis, analysis, abstraction allowed to conduct research and justify the specifics of legislative regulation. A formal legal method was used to analyze the content of international documents containing standards of legal regulation of civil relations, the practice of the European Court of Human Rights, as well as national legislation of Ukraine. In conclusion, the study used the theoretical and predictive method, as a result of which proposals for the improvement and actualization of the civil legislation of Ukraine were developed.

- **Sample / Participants / Group**

The scientific and theoretical basis was provided by scientific research of domestic and foreign scientists. The documentary and actological basis was a statistical study, current legislation, and empirical base of research - generalization of judicial practices, reference publications, court decisions.

2. Research Results

The first real changes aimed at updating the legislation in the civil sector began in the 2000s and continue to this day. In recent years there have been some fragmentary, but really important clarifications on a number of objects of rights, improvement of the whole array of legislation, and practice of protection of these rights in court.

Meanwhile, the negative aspects manifested themselves in frequent cases of disagreement of these proposals, changes, and judicial practice with the doctrine of civil law, the concept of the current Civil Code of Ukraine, which explains the inability of the entire industry to undergo systemic transformation without taking into account the theoretical basis and ideology of civil law (Dovgert, 2017; Gorinov, 2022).

Despite the fact that the current Civil Code of Ukraine contains a significant list of norms regulating personal property and non-property relations, it does not contain systematic legal material on personal non-property rights to information and other information rights. Thus, consistent provision of positive regulation of the content of personal non-property information rights is not yet on the agenda.

The Civil Code of Ukraine does not contain provisions that would fully regulate relations with the specifics of new technologies, virtual environment, and the needs of the global information society, considering the place of personal non-property rights to information, proposals on the implementation and protection of personal non-property rights to information of individuals and legal entities. “This affects the regulation of civil rights, in particular the search for points of contact and differences in civil law regulation” (Everett, 2016: 182; Kuznietsova *et al.*, 2021: 5-15).

Book Four of the Civil Code was based on the theory of exclusive intellectual property rights and, despite the existence of several other theories in this area, this theory has proven its importance, practical value and ability to solve the problems of copyright as the most developed institution both in individual cases and when used in contractual relations in the field of copyright and the protection of these rights; the discussion on the application of other theories or their combination has not provided grounds for changing the central theory, so Norms of the Civil Code of Ukraine is an integral system of provisions that are developed in accordance with unified principles and based on unified method of regulation of social relations.

It addresses the rules governing ownership relations based on equality, freedom of disposal, non-interference in the personal life of an individual; judicial protection of any violated civil right; fairness, good faith, reasonableness etc., which emphasizes the close relationship with

the practice of implementation of provisions Normative acts of the current legislation, containing civil law norms and regulating civil relations, regardless of whether they are purely civil or related, in their civil law part normative acts should be subject to the general provisions of the Civil Code of Ukraine.

The sub-branch of intellectual property rights contained in the Civil Code of Ukraine, currently allow to emphasize common features and differences in the regulation of civil information relations and intellectual property relations, which requires additional detailing in the Civil Code of Ukraine.

Some provisions of the Civil Code of Ukraine during its existence have proven to be effective both in theory and in practice, including through regulation at the level of special laws, but now there is a tendency to slow down this process. Therefore, some theoretical and practical problems are still relevant. The issue of compliance with the content of Article 421 of the Civil Code of Ukraine also needs theoretical reflection. According to this article, subjects of intellectual property rights are the creator(s) of an object of intellectual property rights (author, performer, inventor, etc.) and other persons possessing personal non-property and/or property rights of intellectual property in accordance with the present Code, other law or agreement.

The Civil Code of Ukraine distinguishes categories of “person” and “participant of civil legal relations”: according to Article 2 of the Civil Code of Ukraine persons are natural persons and legal entities, and the category “participant of civil legal relations” includes natural persons and legal entities, and as the subjects of public law, it may be the state, the Autonomous Republic of Crimea, territorial communities, foreign states. Subjects of intellectual property rights are formally only the creator and other natural and legal persons to whom intellectual property rights belong.

The State, territorial communities, foreign states, or international organizations as the subjects of public law, according to the current version of Article 421 of the Civil Code of Ukraine, are not the subjects of property rights. To overcome this conflict, the doctrine proposes to apply an expansive rather than a literal interpretation of the text of the legislative act, interpreting the subjects of ownership rights not only as individuals and legal entities but also other participants of civil relations. Experts point to the need to eliminate this legislative gap.

Even before the pandemic, the many steps and complex documentation required to handle civil litigation cases made navigating the civil legal system difficult for people without the help of lawyers. Such individuals are perhaps the largest and most diverse group affected by litigation, and whether they are plaintiffs or defendants, they face many obstacles because of their incompetence in modern computer technology.

Civil plaintiffs who attempt to bring a lawsuit before the courts encounter a process that involves a basic level of legal knowledge, an understanding of legal terminology, and knowledge of the correct forms to submit and how to submit them, which are prerequisites for them (Mervartova, 2014: 422-427).

And the civil litigation system is at least as difficult for those who are sued. Defendants may not receive or fully understand notice of the lawsuit against them, which can result in a failure to appear in court and a default judgment in favor of the plaintiff. Also, litigants often have to endure long lines, try to fill out complicated forms on their own without legal assistance, or are unable to spend much time on such activities.

While the courts clearly recognize the need to be helpful to all litigants, they are based on principles and norms that are more developed by and for lawyers and have historically had difficulty meeting the needs of people without counsel, much less certain subcategories in this group. People without representation who have limited or limited legal capacity face additional barriers to accessing the court system. Although court officials have long recognized the challenges faced by ordinary people and the potential of computer technology to address some of these obstacles.

3. Discussion

“Modern civil law emerged as a result of centuries of development” (Dalal and Chahal, 2016: 9-15). Still internationally, the philosophical characteristics and legal rights of the individual citizen are explained by public law, and the role of civil law is to provide the institutions and doctrines of civil society (Dobrilă, 2018). The distinctive feature of civil law is its possibility of horizontal execution in society directly against those who do not fulfill their duties and does not depend on the power acting “from the top down” in the field of public law.

Property relations, the sphere of civil circulation is increasingly moving to various kinds of electronic platforms. The process has been accelerated by the COVID-19 pandemic. The development and application of artificial intelligence technologies actualize the problem of ensuring human security from the negative impact of such technologies, minimizing threats to human life and health.

Because of the virtuality of artificial intelligence as a social phenomenon, a product, or a good created by a human, the application of traditional legal means of regulation of social relations connected with the application of artificial intelligence technologies does not give today a complete solution of a number of uncertainties arising at the market of goods, works, and services.

The use of modern means of communication in commercial and domestic activities has contributed to the formation of a fundamentally new sphere of legal relations associated primarily with the electronic exchange of data, in which various subjects of civil relations take part (Cui and Qi, 2021). Recently, one of the most relevant topics is the formation and development of the legal regime of electronic transactions. In this regard, there are many problems in the regulation of this sphere of civil legal relations.

Information is becoming the most important resource of society. Sectors of the economy directly related to information and telecommunications technologies are developing faster than traditional industries and are becoming dominant. The emergence of modern means of communication has significantly changed the forms and methods of civil transactions. Speed and convenience are the main advantages of electronic document flow. Efficiency plays a huge role and affects the outcome of transactions in a market economy. The introduction of new information technologies into practice leads to complication of legal support of the electronic transaction.

Transactions in electronic form are widespread in various spheres of civil circulation (Janku, 2014). First of all, it concerns purchase and sale transactions (settlement transactions, purchase of goods, works and services, exchange transactions, securities purchase and sale transactions, etc. (Mingaleva and Mirskikh, 2013; Yasmin, 2016).

However, due to insufficient adaptation of the conceptual apparatus of civil law transactions with the use of information technologies in practice, difficulties arose in the interpretation of the terms “oral” and “written” forms of the transaction on contracts in electronic form. Legislation in Western Europe and the USA allows concluding transactions in electronic form. For a transaction to be valid, counterparties must be present.

The legal nature of the electronic form of the transaction is defined in the legal literature as a kind of simple written form (Kornienko, 2015). However, this provision requires revision on the following grounds. Firstly, it can be concluded that not in all cases such a contract is concluded in writing with the use of information technology by the parties in the conclusion of contracts. The law establishes the formal attributes of the written form of the transaction, which must be complied with.

This problem stems from the fact that, when using information technology to negotiate the terms of a futures contract, the parties do not always conclude the contract in writing (e.g., via Skype, telephone, fax, etc.). Secondly, even if the parties comply with all the legal requirements regarding the written form of the transaction, the properties of the electronic form of the concluded contract may be so different from the traditional written form that there is reasonable doubt as to whether the electronic form and the written form of the transaction are the same.

It should be noted that there is no legal definition of “electronic transaction” at the level of national legislation of the world and international law, although in the EU and other European and world countries different legal acts partially regulate electronic transactions, including such concepts as electronic commerce, consumer protection in remote transactions, electronic signature, provision of services in electronic cash.

Internet technology and Internet rights are developing rapidly. New services and opportunities to enter into contracts online are appearing, and the number of online purchases and financial services is growing. There are 5.11 billion unique mobile users in the world today, 2% more than in 2021.

Among the issues requiring a thorough theoretical and practical analysis, an important place belongs to the definition of the concept of electronic transactions and the classification of electronic transactions (Kryzhna, 2019).

Participants of civil turnover face several problems when concluding contracts in the Internet space. First, it is difficult to establish the place of the conclusion of the contract. Secondly, there is the problem of proving the fact of the contract, as well as the immutability and storage of the data recorded in the contract. Thirdly, there is the problem of establishing the fact of receipt of the document from the counterparty. Fourthly, there is a possibility of hacking of confidential information about the terms of the contract.

An important attribute of the status of electronic transactions is the inability to perform them on certain objects (Everett *et al.*, 2016; Rafie and Abbas, 2021). Thus, an electronic transaction cannot be concluded in a situation where the law requires mandatory notarization and/or state registration of the transaction. Thus, for example, most real estate transactions are excluded from e-commerce (Melnychenko, 2021: 9).

Restrictions on the subject composition of electronic transactions must also be established. For example, a party represented by a seller, supplier, etc. cannot, by default, be a natural person who is not registered as an entrepreneur, but sells goods, provides services, or performs work. This means that transactions concluded on the Internet (including through existing trading platforms) between two persons are not subject to the legislation on electronic commerce, unless the parties have agreed otherwise (Yakubivskyi, 2019; Prokopenko, 2021: 26).

It should be noted that any electronic communications related to the conclusion of an electronic transaction and hard copies thereof may be introduced into court as evidence.

There are also ongoing discussions about supplementing national legislation with requirements to protect scientific publications of works

that have fallen into the public domain (Rakhimjonov, 2021; Svitlak and Huts, 2022).

The problem is that a proper system of collective management organizations has not yet been created; the search for an appropriate legal model remains relevant. At the same time, the Law of Ukraine “On Efficient Management of Property Rights of Holders of Copyrights and (or) Related Rights” cannot be recognized as such, which gives adequate answers to all questions of activities of collective management organizations.

At the doctrinal level, the conflict of legal regulation in the field of intellectual property is still being discussed, which should be adopted in favor of the Constitution and the Civil Code of Ukraine. In particular, under Article 429 of the Civil Code of Ukraine, which regulates the distribution of intellectual property rights to objects created under the employment contract (property rights to such objects belong jointly to the employer and the employee, who created such objects unless otherwise provided by the employment contract) and special laws on intellectual property, which contain provisions stating that the exclusive ownership of the work or official invention belongs, unless otherwise provided by the employment contract. Thus, part 2 of Article 1114 of the Civil Code of Ukraine establishes the provision that the fact of transfer of exclusive proprietary rights to objects of intellectual property is subject to state registration.

Such exclusive rights include rights to objects of patent law, for example, the layout of an integrated circuit and trademarks; these rights enter into force from the moment of their registration, and the agreement on the transfer of ownership rights to such objects is considered valid from the moment of its state registration. Special legislation contains other requirements for state registration of agreements on the transfer of rights to industrial property objects, establishing the optional nature of such registration.

It is necessary to eliminate the conflict, taking into account the provisions of the Civil Code of Ukraine. The problem is that the provisions of Chapter 41 of the Civil Code of Ukraine “Intellectual Property Rights for Innovation Proposal” and Chapter 38 “Intellectual Property Rights for Scientific Discovery” are somewhat outdated: rationalization was aimed at improving already known technical, technological or organizational solutions, was mass and available, but now inventors can use other ways to protect the results of their technical work, to patent as an invention or utility model, design as an innovative proposal (it is in the case of patenting that the owner of the protection document receives real intellectual property rights).

Due to the lack of special legislation, the legal protection of scientific discoveries in Ukraine is not provided at all, and the provisions of Chapter 38 of the Civil Code of Ukraine are not actually implemented. It was repeatedly

proposed to include scientific discovery in the objects of information rights since even this category is defined through the concept of information, and its regulation in the fourth book was intended to emphasize its importance as a result of obtaining information of exceptional importance, to indicate the name of the person (persons) who made the discovery, and/or gives a name at their own discretion, specially enshrining the rights, which can be fully realized through the institution of rights to information.

Thus, it can be implemented, including in view of trade secrets, in Book One, in determining and attributing discovery to the objects of civil rights of Article 200 of the Civil Code of Ukraine.

Also, Article 418 of the Civil Code of Ukraine (definition of intellectual property rights) states that intellectual property rights are “the right of a person to the result of intellectual, creative activity or other objects of intellectual property rights, as defined by this Code and other laws”. Thus, the concept of “intellectual property” is defined through the concept of “intellectual property object”, which does not give the right idea of the category in question and requires the attention of the legislator.

Civil lawyers also note the need to resolve the conflict between the provisions of Article 430 of the Civil Code of Ukraine and Article 1112 of the Civil Code of Ukraine: for example, under Article 430 of the Civil Code of Ukraine, intellectual property rights to the object created on commission belong jointly to the creator and the client, unless otherwise provided by the contract, and under Article 1112 of the Civil Code of Ukraine, the contract for creation on commission and use of the intellectual property must contain provisions on the methods and conditions of use of the intellectual property. Thus, the intellectual property rights as such are not transferred to the customer but must be specified in the contract. Current legislation does not contain details of this legal provision.

The legal literature suggests using a special provision of Article 1112 of the Civil Code of Ukraine on par with the wording of Article 430 of the Civil Code of Ukraine.

The introduced Provisions on the rejection of the division of indications of origin of goods into simple and qualified established the term “geographical indication”, which introduced changes in the subjects of the right to a geographical indication, etc., but other law this category applies only to the protection of intellectual property rights to geographical indications, so, need clarification.

A number of technical errors repeatedly pointed out by both scholars and practitioners should be eliminated: 1) the provisions of Part 4 and provisions of Part 6 of Article 488 of the Civil Code of Ukraine, regulating the effect of ownership rights coincide literally 2) in accordance with Part 3 of Article 1122 of the Civil Code of Ukraine “the condition of the

contract, under which the user has the right to sell goods (perform work, render services) exclusively to a particular category of buyers (customers) or exclusively to buyers (customers) located (place of residence) in the territory specified in the contract”. The legislator omitted the final phrase – “loses force”, therefore, the elimination of this essential omission will allow Part 3 of Article 1122 to acquire legal meaning, etc.

Given the wording of Article 181 of the Agreement, the provisions of Article 429 of the Civil Code of Ukraine on the relationship to create computer programs in the performance of the employment contract shall be amended accordingly (namely, as stated in the Agreement: if the computer program is created by the employee in the performance of his duties) obligations or in accordance with the instructions of the employer, all exclusive property rights to the created computer program, unless otherwise provided by the contract belong to the employer).

In the field of patent law, attention is drawn to the provisions of the agreement relating to the protection of health and biotechnology inventions, in particular, the agreement contains the obligation to provide an additional period of protection for a drug or plant-protection product protected by a patent and which has undergone an administrative procedure. authorization - an additional safety certificate.

The provisions of Articles 197 and 198 of the agreement provide for the possibility to cancel the registration of a trademark if, within a continuous period of five years, it has not been put into use in the relevant territory for the goods or services for which it is registered, and there are no relevant reasons for non-use. In contrast to the provisions of the Agreement, the Law of Ukraine “On Protection of Rights to Marks for Goods and Services” establishes a three-year period of non-use of the mark, which may constitute grounds for early termination of the certificate. The regime of the legal protection of industrial designs established under the Agreement differs from the regime of national law in terms of protection of industrial designs, because the agreement in addition to innovation also points to the individual level.

Consistent and critical understanding of the doctrine of civil law in the process of updating the Civil Code of Ukraine taking into account the achievements of the international community and international instruments will bring the Civil Code of Ukraine and legislation to a modern level with other leading countries. It is necessary, among other things, to understand that the systematization of special laws, especially at the level of any codes (such as the Industrial Property Code) should be rejected as contrary to the very idea of codification at the level of the Civil Code of Ukraine as the main document regulating these relations.

After the update, the Civil Code of Ukraine should remain the main codified act in the sphere of civil regulation, taking into account the obligations undertaken by Ukraine in the framework of the Association Agreement with the EU.

Conclusions and Implications

Considering that the above aspects, we can conclude that the execution of transactions on the Internet and the territory of Ukraine is becoming more widespread in recent times. The notion of electronic transaction given in the Law of Ukraine “On electronic commerce” is of little informative nature. The biggest difficulty in determining the validity of an electronic transaction arises in the identification of the parties.

Lack of information about the subject composition of the transaction actually makes the consumer powerless, and recent changes to civil legislation are fragmentary. The rapid pace of development of the latest technologies, constant changes in the forms and methods of such transactions require lawyers to fundamentally rethink traditional legal institutions and provisions of national legislation with reference to the practice of foreign countries.

The vital role of civil law today is to provide the basis for legal institutions, doctrines, and operations based on civil society, balancing private rights with legal duties and responsibilities. Civil law provides the legal basis for government regulation and a direct method of redress for damages caused by illegal acts. Civil law remedies relate to the protection of human rights and overcoming corrupt practices, providing a barrier to illegal actions and adding depth to state regulation.

The rapid development of artificial intelligence technology and robotics requires appropriate legal regulation of the emerging new social relations. Many issues need to be resolved now. In particular, we should think about solving the issues of who owns the copyrights to the works created by the robot. No less important is the personalization of responsibility for execution with the help of artificial intelligence technologies.

It is necessary to develop a system of legislative restrictions on the military use of robots, as well as an international system of control over the development of powerful artificial intelligence technologies, comparable in intelligence to the human brain.

To summarize, it should be noted that the branch of civil law does not require radical changes, except for a number of provisions on the nature of information objects and the correction of obvious errors. In addition, all provisions must comply with the spirit and principles of civil law, to be

analyzed for their effectiveness, feasibility, correct wording, and absence of conflicts.

The key issue is the need to preserve the role of the Civil Code of Ukraine as the embodiment of common methodological and doctrinal positions in the field of general principles of intellectual property regulation for all currently known objects of intellectual property rights, the possibility of combining other provisions, especially the general provisions of the Code and special laws, which allows to maintain the latter industry civilized approach to the content of intellectual property rights, common special remedies and common approaches to concluding agreements on the alienation of intellectual property rights.

Bibliographic references

- APETREI, Irina. 2014. "The Reevaluation of Paternity Presumptions in the Current Civil Code" In: *Procedia, Social and Behavioral Sciences*. Vol. 149, pp. 54-58.
- AZIMOV, Chynhizkhan Nufatovych. 1981. "Contractual relations in the field of scientific and technological progress", dissertation of Doctor of Law 12.00.03 Civil law, family law, civil procedure, private international law Kharkov. Dzerzhynskiy Institute of Law. Kharkov: 1981. 349 p. Available online: In: <https://search.rsl.ru/ru/record/01001039260>. Consultation date: 15/11/2022.
- BAZHANOV, Valentyn. 2014. *Contractual legal relations in the copyright of Ukraine*. Monograph. PE Soroka T.B. Lviv, Ukraine.
- CONSTITUTION OF UKRAINE. 2004. Folio, 48 p. ISBN 966-03-2610-6. Kharkiv, Ukraine.
- CUI, Shujie; PENG, Qi. 2021. "The Legal Construction of Personal Information Protection and Privacy under the Chinese Civil Code" In: *Computer Law and Security Report*. Vol. 41, No. 105560.
- DALAL, Rajbir Singh; CHAHAL, Ekta. 2016. "Ministers and civil servants' relations in India: an evaluation" In: *International research journal of engineering, IT & scientific research*. Vol. 2, No. 3, pp. 9-15.
- DOBRIĽ, Mirela Carmen. Oct. 2013. "The Succession Rights of the Surviving Spouse in the New Civil Code" In: *Procedia - Social and Behavioral Sciences*. Vol. 92, pp. 265-269.

- DOVGERT, Anatoliy. 2017. "Encyclopedia of Private International Law" In: [S. l.]: Edward Elgar Publishing, p. 2602–2611. Available online: In: <https://doi.org/10.4337/9781782547235.nu.1>. Consultation date: 27/10/2022.
- EVERETT, Bethany; HATZENBUEHLER, Mark; HUGHES, Tonda. 2016. "The impact of civil union legislation on minority stress, depression, and hazardous drinking in a diverse sample of sexual-minority women: A quasi-natural experiment" In: *Social Science & Medicine*. Vol. 169, pp. 180-190. Available online: In: <https://doi.org/10.1016/j.socscimed.2016.09.036>. Consultation date: 27/10/2022.
- GORINOV, Pavlo. 2022. "Space Law in Ukraine: Current Status and Future Development" In: *Futurity Economics&Law*. Vol. 2, No. 2. Available online: In: <http://www.futurity-econlaw.com/index.php/FEL/article/view/17>. Consultation date: 20/10/2022.
- JANKU, Martin. 2014. "Statutory Pre-emption Right as Changed by the New Civil Code" In: *Procedia Economics and Finance*. Vol. 12, pp. 259-264.
- KAPITSA, Yurii. Intellectual property rights of the European Union and Ukrainian legislation. Publishing house "Slovo". Kyiv, Ukraine.
- KORNIENKO, Anna Jan. 2015. "The Concept of Knowledge Society in the Ontology of Modern Society" In: *Procedia - Social and Behavioral Sciences*. Vol. 166, pp. 378-386.
- KRYZHNA, Valentyna. 1999. "Draft Civil Code of Ukraine and regulation of creative activity results in patent law" In: *Bulletin of the University of Internal Affairs*. Vol.6, pp.134-138.
- KUZNIETSOVA, Nataliia; PETRYSHYN, Oleksandr; PYLYPENKO, Denys. 2021. "The Civil Code of Ukraine – A Reliable Regulator of Civil Relations in Civil Society" In: *Global Journal of Comparative Law*. Vol. 10, No. 1-2, pp. 05-15.
- MATVEEV, Petro. 2013. "Theoretical and Legal Justification on Interdependence of Modernization and Innovation Processes as Objects of Economic and Legal Support of Innovative Development" In: *Law. Man. Environment*. No. 182. Available online: In: <http://journals.nubip.edu.ua/index.php/Pravo/article/view/775>. Consultation date: 15/09/2022.
- MELNYCHENKO, Nataliia. 2021. "Claim and its modern modifications: definitions of the future" In: *Futurity Economics & Law*. Vol. 1, No. 1, pp. 04-11.

- MERVARTOVA, Jana. 2014. "Compensation of Injury in the New Civil Code and Compensation for Damage according to the Labour Code" In: *Procedia Economics and Finance*. Vol. 12, pp. 422-427.
- MINGALEVA, Zhanna; MIRSKIKH, Irina. 2013. "The Problems of Legal Regulation and Protection of Intellectual Property" In: *Procedia - Social and Behavioral Sciences*. Vol. 81, pp. 329-333.
- NOSIK, Yurii. 2006. "Rights to trade secrets in Ukraine (civil law aspect)". Taras Shevchenko National University of Kyiv. Kyiv, Ukraine.
- PROKOPENKO, Olha. 2021. "Internet banking market of the future: formation and development" In: *Futurity Economics & Law*. Vol. 1, No. 1, pp. 23-28.
- RAFIE, Ahmad Shubhan; ABBAS, Ilham. 2021. "Juridic Review Concerning Implementation of Cooperative Save-Loan Credit Agreements Based on The Book of Civil Law" In: *Golden Ratio of Law and Social Policy Review (GRLSPR)*. Vol.1, pp. 32-37. Available online: In: <https://www.goldenratio.id/index.php/grlspr/article/view/190>. Consultation date: 15/08/2022.
- RAKHIMJONOV, Akmaljon. 2021. "Increasing Civil Liability for Violation of Rights to Real Estate" In: *The American Journal of Political Science Law and Criminology*. Vol. 03, No. 04-32, pp. 205-212.
- SVITLAK, Iryna; HUTS, Nataliia 2022. "The Legal Charter of the Company of the Future: The Order of Creation" In: *Futurity Economics&Law*. Vol. 2, No. 1, pp. 22-27.
- SVITNEV, Konstantin. 2010. "Legal regulation of assisted reproduction treatment in Russia" In: *Reproductive BioMedicine Online*. Vol. 20, No. 7, pp. 892-894.
- YAKUBIVSKYI, Ihor. 2019. Problems of acquiring, exercising and protecting intellectual property rights in Ukraine. Extended abstract of the dissertation of Doctor of Legal Sciences. Ministry of Education and Science of Ukraine, Ivan Franko National University of Lviv. Lviv, Ukraine.
- YASMIN, Munnie. 2016. "Legal Liability in Standard Form of Contract" In: *International Research Journal of Engineering, IT & Scientific Research*. Vol. 2, No. 9, p. 39.



UNIVERSIDAD
DEL ZULIA

CUESTIONES POLÍTICAS

Vol.41 N° 76

Esta revista fue editada en formato digital y publicada en enero de 2023, por el Fondo Editorial Serbiluz, Universidad del Zulia. Maracaibo-Venezuela

www.luz.edu.ve
www.serbi.luz.edu.ve
www.produccioncientificaluz.org