

## Current Issues of Recodification of Civil Legislation of Ukraine in the Context of European Integration Processes

### Актуальні питання рекодифікації цивільного законодавства України в контексті євроінтеграційних процесів

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#### Abstract

Civil law plays an important social role, namely, the regulation of property and personal non-property relations, which all members of society are without exception. The Civil Code is often called the economic constitution of the state. Accordingly, the quality of civil law ultimately depends on the well-being of each individual. In addition, the improvement of the current legislation of Ukraine is a prerequisite for deepening the integration processes with the European Community. Thus, timely alignment of current legislation with current realities, part of which is the recoding of civil law, is certainly an important function of every state. The object of the study is the public relations that arise in connection with the recoding of civil law. The subject of the study was the normative acts of Ukraine, international normative acts, civil law doctrine. Scientific research methods such as analysis method, synthesis method, induction methods, and deduction method, and special-legal research methods, such as legal-dogmatic method and method of interpretation of legal norms, were used for the study. It can be concluded that Articles 387 and 391 of the Civil Code of Ukraine should be supplemented by the notions of the vindication and negatoria claims. In addition, there is a problem of competition vindication, restitution and *condictio* in Art. 1212 of the Civil Code of Ukraine. Secondly, the mechanism for transferring the rights and obligations of the buyer should be more explicit.

#### Анотація

Актуальність дослідження не викликає сумнівів, адже цивільне законодавство виконує дуже важливу соціальну роль, а саме – регулювання майнових і особистих немайнових відносин, учасниками яких є всі без винятку члени суспільства. Цивільний кодекс часто називають економічної конституцією держави. Відповідно, від якісного цивільного законодавства у кінцевому рахунку залежить добробут кожної людини. Крім того, удосконалення чинного законодавства України є обов'язковою передумовою поглиблення інтеграційних процесів з Європейським співтовариством. Таким чином, своєчасне приведення чинного законодавства у відповідність із реаліями поточного моменту, частиною якої є рекодифікація цивільного законодавства є, безумовно, важливою функцією кожної держави. Об'єктом дослідження є суспільні відносини, які виникають у зв'язку з рекодифікацією цивільного законодавства. Безпосереднім об'єктом дослідження стали нормативно-правові акти України, міжнародні нормативно-правові акти, цивільно-правова доктрина. Для здійснення дослідження були використані такі наукові методи, як метод аналізу, метод синтезу, методи індукції та метод дедукції, та спеціально правові методи дослідження, як юридично-догматичний методі та метод тлумачення правових норм. Автори прийшли до наступних висновків. По-

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Thirdly, there is a need to improve the statute of limitations according to the civil law of Ukraine.

**Key Words:** recodification, civil law, legal norm, European integration, legal institute.

## Introduction

In 1991, Ukraine withdrew from the Soviet Union (USSR). Therefore, with Ukrainian independence, our country declared a new economic course and began to actively implement the market model of the economy (Tkalych, Davydova, & Tolmachevska, 2020). Adaptation to the conditions of the EU internal market requires the updating of civil legislation, while simultaneously addressing the general problem of choosing between a private-law (humanitarian) approach and a public-law (state-regulatory) approach (Kharytonov, 2019). The essence of civil society is that it is the result of reconciling the interests and relationships that are formed between private individuals and their established associations that exist and operate in a market environment (Kharytonov, Kharytonova, Tolmachevska, Fasii, & Tkalych, 2019).

The European integration processes, that have been going on for several years in Ukraine, in particular – the need to adapt domestic legislation to the legislation of the European Union, necessitate recodification and the existing civil legislation.

The adoption on 16 January 2003 of the Civil Code of Ukraine (hereinafter referred to as the CC of Ukraine) testified the fundamental change in the legal regulation of civil relations, which became the basis of the private law of independent Ukraine. The overwhelming majority of the rules of the CC of Ukraine is characterized by high legal technique, complete regulation of civil relations. A large number of novelties have been introduced for all legal institutions, including the field of property law. At the same time, the 16-year practice of application of the norms of the CC of Ukraine also revealed vulnerable provisions, contradictions, which necessitated many

перше, статті 387 та 391 ЦК слід доповнити назвами віндикаційного і негаторного позовів. Крім того, потребує вирішення проблема конкуренції віндикації, реституції та кондикції, закладена у ст. 1212 ЦК. По-друге, варто більш чітко викласти механізм переведення прав та обов'язків покупця. По-третє, є необхідність удосконалення інституту набувальної давності за цивільним законодавством України.

**Ключові слова:** рекодифікація, цивільне законодавство, правова норма, євроінтеграція, правовий інститут.

changes, the analysis of which gives grounds to confirm the continuous improvement of the civil legislation (Safonchuk, 2019). Therefore, there is an urgent need to review those legal constructions that have long been formed and do not take into account the needs of the present (Safonchuk, Hlyniana, Melnyk, & Pliushko, 2019).

It should be noted that bringing the codes into line with the realities of today is a normal European and world practice and does not indicate the low quality of legislation (Gray, 2014). In 2000, the German Civil Code (BGB), one of the most high-quality and stable codes of modernity, was updated.

## Theoretical framework

Codification and recodification issues are being addressed by a large number of scientists both in Ukraine and in foreign countries. From 2019, Ukraine has begun a period of active work on proposals to recode civil legislation. In particular, a commission was created on the recoding of civil legislation under the chairmanship of Professor Kuznetsova.

Some aspects of recodification in view of its compliance with the principles of European law are being actively explored by Professor Dovgert (2019). Fundamental problems of civil law are the subject of scientific research by Professor Kuznetsova herself (2017). Professor Spasibo-Fateeva (2019) investigates the problems of correlation between civil and economic legislation, as well as a number of other problems of legal regulation of various relations in the context of recodification. Some problems of recodification in the context of trends in the development of private law are

generally explored by Professor Kharitonov and Professor Kharitonova (2019).

In addition, certain aspects of the recoding of Ukrainian civil law are included in the field of scientific research of such national authors as Muzyka (2015), Polyukhovych (2019), Mendzhul (2019), Tsherbyna (2016) and others.

In other European countries, scholars and legislators are also concerned with the recoding of civil law (Hogg, 2017; Mertens, 2016). For example, in the Czech Republic, this process has already been completed with the adoption of new civil code (Janku, & Marek, 2016).

The impact of European scientific thought in the context of recodification is also felt in other regions of the world. In particular, active research in this area is being carried out in China (Chen, 2018). However, the issue of recoding civil law is also of concern to other Asian countries (Su, 2012).

It should be noted that scientists do not overlook the general theoretical issues of the implementation of the codification and recodification of civil law (Gray, 2014).

However, some aspects of recodification are still out of the limelight of researchers. In particular, these are separate issues of protection of property rights under civil law. In the current Ukrainian legislation, insufficient attention has been paid to the institute of vindication and negation, which do not even have their own names in the CC of Ukraine; need to improve some of the rules of the CC of Ukraine regarding the protection of property owners' rights; address the gaps in the legal regulation of certain aspects of the statute of limitations. These problematic aspects are revealed by the authors in their research.

### Methodology

For writing the article, general logical and special legal methods of scientific research were used. Among general logical methods, we can distinguish methods of analysis and synthesis, induction and deduction, abstraction.

Analysis is a method of cognition, consisting of logical techniques of theoretical or empirical division of a research subject into its elements, properties and relations. The analysis refers to the initial stage of any research; this stage is carried out in order to clarify the properties of the elements, as the basis for the subsequent disclosure of the regular relationships between them. The analysis method was used by the

author to study the state of the current civil law, primarily, the CC of Ukraine (2003). This method allowed to identify the imperfection of the current legislation and determine the ways of its reform.

Synthesis is a method of cognition, consisting of logical techniques of theoretical or empirical connection of selected elements of an object into a whole (or into a system). This is not just a mechanical union of previously selected objects; they are generalized and thereby achieve the goal of identifying structural patterns, causal and other mechanisms of the phenomenon. This method has helped the authors of the article, based on the practice of applying the current civil legislation of Ukraine; formulate proposals for its improvement. For example, we are talking about the need of supplement of Articles 387 and 391 of the Civil Code of Ukraine with the names of claims by which property rights are protected (negatoria and vindication claims), taking into account the well-established practice of applying these methods of protection and the unification of legislative acts governing the protection of property rights. In addition, the problem of competition vindication, restitution and conditioning, laid down in Art. 1212 of the CC of Ukraine (2003). The synthesis method allowed to conclude that it was necessary to enter into the CC of Ukraine (2003) the norm of non-application of the limitation period for such claims.

Moreover, induction is a method of scientific research related to the movement of thought from individual facts (particular premises) to a general conclusion (generalizing hypothesis). The basis of inductive inference is the repeatability of signs in a number of objects of a certain class. Therefore, inductive conclusions are a conclusion about the general properties of all objects of a given class based on the study of a large number of individual events. Thus, the induction method made it possible to conclude that the effectiveness of the European integration processes taking place in Ukraine, in particular, depends on the quality of the domestic civil legislation and the success of its recodification in the light of European trends.

Deduction is the logical subtraction of new (scientific) knowledge from previously acquired knowledge. The deduction method allowed the authors of the article to summarize the practice of applying of existing civil law and to propose their vision of changes in civil law within the framework of recodification.

Special legal methods used by the authors in writing the article are: historical, legal, comparative, dogmatic, as well as methods of interpreting of legal norms.

At the same time, the emphasis was on the legal-dogmatic method and the method of interpretation of legal rules.

The result of applying the legal-dogmatic method are legal categories, concepts, classifications, structures, using the above formal logic techniques. In particular, using this method, the authors of the article concluded that it is necessary to make changes to Art. 392 of the CC of Ukraine (2003) regarding the extension of grounds for filing a claim by the owner for recognition of ownership of such grounds as the absence of a legal instrument, as well as a special reservation in the procedural legislation regarding the procedure for dealing with cases on this basis in different forms of litigation and different types of proceedings.

The method of interpretation of legal norms was used by the authors of the article to interpret the actual content of Art. 365 of the CC of Ukraine (2003). In particular, the authors of the article concluded that the norm of Art. 365 of the CC of Ukraine (2003) is constructed in such a way that it provides for the possibility of bringing an action for termination of the right to share in the joint property of only other "co-owners" and not "co-owner". Therefore, the question arises of the possibility of bringing to court of one of the co-owners with a claim for termination of the right to share of the second co-owner, that is, if there are only two of such co-owners in the joint partial ownership.

## Results and discussion

For the CC of Ukraine, the institution of property rights needs some adjustments. The traditional and most widely used ways of protecting property rights in Ukraine are a lawsuit to seize property from someone else's illegal possession (vindication lawsuit) and a lawsuit to remove obstacles to the use and disposal of property (negatoria lawsuit). At the same time, the terms "vindication" and "negatoria" lawsuits are not used in the CC of Ukraine, despite the fact that such a term is directly enshrined in separate legislative acts. In view of the well-established practice of applying these methods of protection and the unification of legislative acts governing the protection of property rights, Articles 387 and 391 of the CC of Ukraine should be supplemented by the names of those methods of

protection. Need to solve the problem of competition vindication, restitution, and *condictio*, laid down in Art. 1212 of the CC of Ukraine (2003). In civil science and jurisprudence, in the case of the application of a negatoria claim, there is an established position regarding the non-extension of such statute of limitations. At the same time, the CC of Ukraine does not have an appropriate standard, which requires mandatory consideration when making changes to the CC of Ukraine.

Another problem of the CC of Ukraine in the field of property rights protection, which needs to be addressed when updating civil law, is the problem of recognition of property rights.

According to Art. 392 of the CC of Ukraine (2003) the property owner may bring an action for recognition of his property right, if this right is contested or not recognized by another person, as well as in case of loss of a document certifying his ownership. Unlike the first two grounds for recognition of title, the loss of the title deed may not be accompanied by a violation of the title of the owner, and may be considered as a preventive measure aimed at preventing a violation of the title in the future, for example, by the person who found the lost title deeds. Therefore, the recognition of property rights on grounds of loss of title deeds has its peculiarities, as well as certain problems that lie in the proper determination of the jurisdiction of the court to be addressed in such a case; clarification of the possibility of considering such a case in a separate civil proceeding, if it is impossible to hear them in separate proceedings and jurisdiction of economic or administrative courts – determining the proper defendant, as well as the possibility of applying this method of protection of property rights, not only in case of loss of legal documents but also in the absence of them at all (Dzera, 2018).

It should be noted other problems in the application of this method of protection on the grounds of loss by the owner of the title document:

- 1) the inability to identify the defendant, because in this case the ownership is not disputed;
- 2) complication of determining the form of proceedings by the wording of Art. 392 of the CC of Ukraine (2003), according to which the owner of the property can sue for recognition of his ownership;
- 3) the reason for the application of this method of protection may be not only the loss but

also the absence of the title document unless it was issued at the time of acquisition by the person of ownership or the law did not provide for its receipt at all.

The solution to these problems in the jurisprudence is different. In most cases, the defendants are involved in government or local self-government, whose competence is to issue a legal document. At the same time, as the adoption of the Code of Administrative Justice of Ukraine (2005), such disputes are subject to resolution in the administrative procedure, which leads to problems in determining the jurisdiction of such cases. Exemptions from Art. 392 of the CC of Ukraine (2003) of the construction of "lawsuit" or its replacement by "statement" also does not fully solve the problem under study, because such cases can be heard in a separate proceeding only in civil proceedings. In the presence of signs of economic or administrative nature of such disputes, the problem remains unresolved.

Therefore, in our opinion, issues related to the use of this method of protection can be resolved by amending Art. 392 of the CC of Ukraine, regarding the extension of the grounds for its application by such grounds as the absence of a legal document, as well as a special reservation in the procedural legislation regarding the procedure for dealing with cases on this basis in different forms of litigation and different types of proceedings.

There are also several gaps and contradictions in the field of the protection of common partial ownership, which have been identified as a result of the practice of applying Chapter 26 of the CC of Ukraine (2003). Thus, several problems arise when co-owners use Art. 365 of the CC of Ukraine (2003), which regulates the termination of the right to share on the claim of other co-owners.

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The third problem is the existence in the case-law of different legal positions as to whether all four conditions taken together, or one of them, or several at all, should be present. This is since the article itself lists these conditions without making any reservations about their application. In the case law, some decisions indicated the need for these four conditions taken together, but subsequently, they were revised in cassation with a different interpretation of such grounds. The reason for the implementation of such an interpretation was the letter of the Supreme Court of Ukraine "Analysis of some issues of application of the legislation of property rights by the courts in the consideration of civil cases" of July 1, 2013, according to which from the content of the norms of Art. 365 of the CC of Ukraine it follows that the termination of the person's right to share in the common property is allowed in the presence of any of the circumstances provided for in paragraphs 1-3 of Part 1 of Art. 365 of the CC of Ukraine (2003), but if such termination would not cause significant harm to the interests of the co-owner and his family members. Based on the above, it is necessary to note the tendency to consider such disputes with the use of a similar interpretation of Art. 365 CC of Ukraine (2003). However, for the sake of equal application by the courts of this rule, it is necessary to amend Art. 365 of the CC of Ukraine (2003), while eliminating the contradictions laid down in the said article.

It is also difficult to determine the size of a share (the notion of a "small" share as one of the conditions for termination of the right to share). Thus, whether it should be insignificant in proportion to that of other co-owners, or simply smaller than their shares and how small.

The issue of a small share is usually decided by the court depending on the particular circumstances of the case. At the same time, in our opinion, the corresponding provision in Art. 365 CC of Ukraine (2003) will be more appropriate.

It should also be proven in court that the termination of a person's right to share would not materially harm the interests of the co-owner and

his or her family members. The Supreme Court of Ukraine drew attention to this condition for termination of the right to share and noted the possibility of extending it to relationships involving economic entities, with the proviso that the prescriptions for the interests of the co-owner are applicable to all property relations arising between co-owners in the joint property, and the warning about "and his family members" shall be applied solely to individuals as parties to those relations" (Resolution of the Grand Chamber of the Supreme Court of Ukraine, 2018). At the same time, it would be more effective to implement the relevant provision in Art. 365 of the CC of Ukraine (2003) regarding the interests of co-owners and family members (for individuals), as well as the interests of co-owners (for other members of civil relations).

The mechanism of protection of the rights of the co-owner in case of sale of the share with violation of the right of privileged purchase of the share is not without gaps. The mechanism (Article 364 of the CC of Ukraine (2003)) can be summarized as follows: 1) absence of an indication on the extension of the right of pre-emptive purchase of a share only in cases of alienation under a contract of sale; 2) a clear mechanism for transferring the rights and obligations of the buyer. Thus, the law does not oblige you to renegotiate a new co-owner. Therefore, the court's decision to transfer the rights and obligations of the buyer to the co-owner whose rights have been violated will be considered a title deed, based on which the buyer's party to the contract will be replaced, but there will be no disclaimer in the contract itself. However, it should be borne in mind that all the terms of such agreement must be considered valid, except those that identify the previous buyer who was not a co-owner. In this way, the invalidation of a contract for the alienation of a share concluded in breach of a pre-emptive right is an inadequate means of protection.

Equally debatable and complex is the questions of the acquisition of real estate ownership because of its prescription.

There have been widespread cases where a person owns a certain property, a building, a land plot without being the owner of such property, without duly executed documents for possession, but this happens for a long time. Such cases relate to villages, district centers, but are increasingly occurring in cities. As a rule, a person conscientiously and openly takes possession of such property, namely the property improves

overtime at the expense of the owner's labor or money.

Although in Art. 344 of the CC of Ukraine (2003) stipulated the conditions of acquisition of ownership of the statute of limitations, there are still many questions to the conditions of acquisition of limitation. Art. 344 of the CC of Ukraine (2003) determines such important conditions of the statute of limitations as the integrity of ownership; open ownership; continuity of ownership (immovable – for 10 years, movable – for five years); possession within the prescribed period, these conditions must apply simultaneously.

Open ownership implies that the purchaser of the real estate does not hide the fact of ownership and use it as its owner. The condition of continuity is characterized by the need for long and continuous possession of real estate for the acquisition of ownership of the property by the statute of limitations, but it should be noted following Part 3 of Article 344 of the CC of Ukraine (2003), the loss of real estate by the owner, not of his own will, does not interrupt the statute of limitations, if the real estate has been returned within one year or in the event of a claim for the demand for that real estate.

The French civil law in Art. 2229 of the Civil Code of France (1804) requires such conditions of acquisition of title to the prescription, as the possession of a permanent and continuous, peaceful and open, which is undeniable and is carried out by the person in the form of the owner. Unlike the civil law of Ukraine, the French civil law establishes a 30-year statute of limitations on both movable and immovable property.

Following paragraph 943, the German Civil Code (BGB) (1898) stipulates a fair use condition if the owner is dishonest, or later learns that the property does not belong to him, the acquisition of the statute of limitations is excluded.

In countries where there is an institution of limitation, the ancient owner is not obliged to personally own the thing for the entire period of limitation.

Such owner may attach to the term during which he owned the term of ownership of his predecessor. Under Paragraph 943 of the German Civil Code (BGB) (1898), if by succession a thing is transferred to the possession of a third party who will exercise possession as the owner,

then the statute of limitations that has expired during the possession of the predecessor shall be counted in favor of that third person.

A similar rule exists in the Civil Codes of the Republic of Poland and the Republic of Belarus. Thus, it is obvious that the legislation of different countries where there is an institution of limitation has similar conditions of acquisition of ownership of immovable property by the statute of limitations differ in the number of conditions, terms of acquisition of ownership.

There are many questions about the acquisition of title to the land plot. Often there is a situation where observance of all conditions of the statute of limitations does not lead to the emergence of ownership of the land.

In accordance with Part 3 of Article 344 of the CC of Ukraine (2003), if a person owns real estate on the basis of an agreement with the owner of this property, which after the expiration of the contract has not made a claim for the return of his property, then this person acquires the right of ownership of the real estate property after the acquisition of the statute of limitations after the expiration of fifteen years of possession of real estate since the expiration of the limitation period. Considering also the simultaneous fulfillment of conditions of good faith; openness, continuity of ownership and tenure for a fixed period.

It should be noted that the acquisition of ownership of the land plot by the time of use is also regulated by Art. 119 of the Land Code of Ukraine (2002), which states that citizens who conscientiously, openly and continuously use the land plot for 15 years, but do not have documents proving that they have rights to this land plot, can apply to a public authority or body local government with a request to lease or lease it. The size of this land plot is set within the limits set by the Land Code of Ukraine.

Moreover, to acquire ownership of immovable property, the court ruling on the recognition of the property right rendered on the basis of establishing the fact of possession of the real estate with the observance of the statutory requirements must be given legal value to the court. State registration of real estate rights in Ukraine should only be of a fixed nature.

### Conclusions

Thus, it can be concluded that it is appropriate to take into account the gaps and contradictions

investigated when formulating amendments and supplements to civil law acts in connection with their future updating. At the same time, the main attention should be paid to the existing gaps and contradictions revealed in the process of application of civil law by the courts in the settlement of civil cases, the decision of which should be based on the achievements of civilistic science and the results of jurisprudence.

Among the gaps in current civil law that need to be filled in by regulatory content are those that have become the subject of this study. In particular, the following changes should be suggested as a result of the study.

Firstly, because of the well-established practice of the application of methods of protection of property rights using vindication and negatoria claims and the unification of legislative acts governing the protection of property rights, Articles 387 and 391 of the CC of Ukraine should be supplemented with the names of those methods of protection. In addition, there is a problem of competition vindication, restitution and *condictio* in Art. 1212 of the Civil Code of Ukraine.

Secondly, it is necessary to improve the mechanism of protection of the rights of the co-owner in case of sale of the share provided for in Art. 364 of the CC of Ukraine, and to indicate the extension of the right of pre-emptive purchase of the share only in cases of alienation under the contract of sale. Besides, the mechanism for transferring the rights and obligations of the buyer should be made clearer.

Thirdly, there is a need to improve the statute of limitations according to the civil law of Ukraine. The provisions of Art. 344 of the CC of Ukraine, which clearly states the grounds on which a person has the right to claim the object of ownership, except the prescription of possession.

### Bibliographic references

- Chen, J.F. (2018). Re-Conceptualising Private Law: The Struggle for Civil Codification in China. *Hong Kong Law Journal*, 48, 257-258.
- Civil Code of France (1804). Pandia. Retrieved from <https://pandia.ru/text/77/231/34260.php>
- Civil Code of Ukraine: Law of Ukraine. (2003). *Bulletin of the Verkhovna Rada of Ukraine*. Retrieved from <http://zakon4.rada.gov.ua/laws/show/435-15>.
2003. Code of Administrative Justice of Ukraine. (2005). *Bulletin of the Verkhovna Rada of Ukraine*. Retrieved from <https://zakon.rada.gov.ua/laws/show/2747-15>

- Digest of the case law of the Grand Chamber of the Supreme Court. No 2019/1. (2019). Retrieved from [https://supreme.court.gov.ua/userfiles/media/daidjest\\_6.pdf](https://supreme.court.gov.ua/userfiles/media/daidjest_6.pdf).
- Dovgert, A.S. (2019). Recoding of the Civil Code of Ukraine: Basic Factors and Prerequisites for Starting. *Law of Ukraine, 1*, 27-42.
- Dzera, I.O. (2018). Some issues of recognition of property rights under Article 392 of the Civil Code of Ukraine. *Entrepreneurship, Economy and Law, 5*, 19-24.
- German Civil Code (BGB). (1898). Retrieved from [https://ru.wikisource.org/wiki/%D0%93%D0%B5%D1%80%D0%BC%D0%B0%D0%BD%D1%81%D0%BA%D0%BE%D0%B5\\_%D0%B3%D1%80%D0%B0%D0%B6%D0%B4%D0%B0%D0%BD%D1%81%D0%BA%D0%BE%D0%B5\\_%D1%83%D0%BB%D0%BE%D0%B6%D0%B5%D0%BD%D0%B8%D0%B5/%D0%9A%D0%BD%D0%B8%D0%B3%D0%B0\\_3/%D0%A0%D0%B0%D0%B7%D0%B4%D0%B5%D0%BB\\_3](https://ru.wikisource.org/wiki/%D0%93%D0%B5%D1%80%D0%BC%D0%B0%D0%BD%D1%81%D0%BA%D0%BE%D0%B5_%D0%B3%D1%80%D0%B0%D0%B6%D0%B4%D0%B0%D0%BD%D1%81%D0%BA%D0%BE%D0%B5_%D1%83%D0%BB%D0%BE%D0%B6%D0%B5%D0%BD%D0%B8%D0%B5/%D0%9A%D0%BD%D0%B8%D0%B3%D0%B0_3/%D0%A0%D0%B0%D0%B7%D0%B4%D0%B5%D0%BB_3)
- Gray, W. (2014). Codification, Decodification and Recodification: History, Politics and Procedure. *Codification in international perspective: Ius Comparatum-Global Studies in Comparative Law, 1*, 3-10. DOI: 10.1007/978-3-319-03455-3\_1.
- Hogg, M. (2017). Codification of Private Law: Scots Law at the Crossroads of Common and Civil law. *Private Law in the 21st Century, 19*, 107-129.
- Janku, M., & Marek, K. (2016) Complaints under the purchase contract after the recodification of Czech civil law: *19th International Conference Enterprise and Competitive Environment (ECE)*, 220, 150-158. DOI: 10.1016/j.sbspro.2016.05.479
- Kharytonov, E., Kharytonova, O., Tolmachevska, Y., Fasii, B., & Tkalych, M. (2019). Information Security and Means of Its Legal Support. *Amazonia Investiga, 8*(19), 255-265. Retrieved from <https://www.amazoniainvestiga.info/index.php/amazonia/article/view/227>
- Kharytonov, Y. (2019). Recodification of Ukrainian Civil Law: Some Methodological Issues. *Proceedings of the All-Ukrainian Scientific and Practical Conference (8-9 November 2019)*, 5-8. Odesa: Phoenix.
- Kharytonov, Y.O., Kharytonova, O.I. (2019). Recodification of Civil Legislation in the Context of Ukraine's Integration in the EU Legal Space. *Journal of Civil Studies, 34*, 6-10.
- Kuznetsova, N.S. (2017). Subject Matter and System of Modern Civil Law of Ukraine. *Law of Ukraine, 5*, 27-35.
- Land Code of Ukraine. (2002). *Bulletin of the Verkhovna Rada of Ukraine*. Retrieved from: <https://zakon.rada.gov.ua/laws/show/2768-14>
- Letter of the Supreme Court of Ukraine "Analysis of some issues of application of the legislation of property rights by the courts in the consideration of civil cases" of July 1, 2013. (2013). *Liga Zakon*. Retrieved from [http://search.ligazakon.ua/l\\_doc2.nsf/link1/VSS00069.html](http://search.ligazakon.ua/l_doc2.nsf/link1/VSS00069.html)
- Mendzhul, M.V. (2019). Prospects for the unification of European family law. *Visegrad Journal on Human Rights, 3*(1), 186-190.
- Mertens, B. (2016). Austrian Civil Code (ABGB). A European Private Law Codification, vol 1, Formation and Development of the Civil Code till 1900. *Historische Zeitschrift, 302*, 531-533.
- Muzyka, L.A. (2015). What is Relevant to Modern Ukrainian Civil Law: Modernization, System Update Or Recodification? *Bulletin of the Lviv State University of Internal Affairs, 1*, 145-154.
- Polyukhovych, V. (2019). To The Issue of Reform (Recodification) of the Economic Legislation of Ukraine. *Economic Law and Process, 11*, 117-122.
- Resolution of the Grand Chamber of the Supreme Court of Ukraine of December 18, 2018 in Case No. 908/1754/17. (2018). Register of court decisions. Retrieved from <http://www.reyestr.court.gov.ua/Review/78977551>
- Safonchuk, O. (2019). Some aspects of the codification of family law in the context of European integration processes. *Proceedings of the All-Ukrainian Scientific and Practical Conference (8-9 November 2019)*, 66-69. Odesa: Phoenix.
- Safonchuk, O., Hlyniana, K., Melnyk, O., & Pliushko, D. (2019). Concept and features of religious marriage. *Amazonia Investiga, 8*(19), 468-476.
- Spasibo-Fateeva, I.V. (2019). About the Concept of Modernization of the Civil Code of Ukraine (Recodification). *Judicial and Legal Newspaper*. Retrieved from <https://sud.ua/ru/news/blog/157375-z-privodu-kontseptsiyi-schodo-modernizatsiyi-tsilvilnogo-kodeksu-ukrayini-rekodifikatsiyi>
- Su, Y.C. (2012). Codification of Civil Law in East Asia - A General Report. *Codification in East Asia, 2*, 181-199.
- Tkalych, M., Davydova, I., & Tolmachevska, Y. (2020). Current State and Prospects of Development of the Sports System of Ukraine: Legal Aspects. *Retos, 38*, p.p. 385-389. Retrieved from <https://recyt.fecyt.es/index.php/retos/article/view/76997>
- Tsherbina, V.S. (2016). Codification or Decodification of the Economic Legislation of Ukraine: What Way to Apply? *Law and Innovations, 2*(14), 108-109.