

дію чи діяльність, яка приведе до позитивних для замовника результатів [3, с. 203-204].

Отже, договір про надання юридичних послуг обов'язково повинен бути внесений законодавцем до Цивільного кодексу України окремою главою, в якій буде встановлено суб'єктів надання юридичних послуг, момент виконання потреб замовника, різновиди договору про надання юридичних послуг, результат дій або діяльності виконавця, оплата та підвищення ціни послуг виконавця, предмет договорів, а також можливість послуг виконавців для іноземців.

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Yermakova Sophia, Kuprych Diana, Shyyan Vlada,
3rd year students of the Faculty of International Legal Relations
of the National University «Odesa Law Academy»
Scientific advisor: Professor A.R. Chanysheva

USUFRUCT AS AN INNOVATIVE INSTITUTION OF UKRAINIAN CIVIL LAW

Usufruct was the most common kind of private easements. It was defined as the temporary right to the use and enjoyment of the thing of another with the right to take the results from using the thing without changing the character it [1, p. 109]. Usufruct is a classical institution of Roman law. It was established in Ancient Rome and was adopted by many countries. This institution is in demand in different areas of legal regulation, especially in countries with substantial influence of Roman law, like Germany, France and Belgium.

There is the legal concept of usufruct in the Civil Code of France. According to article 578, usufruct is understood as the right of using the things which are owned by another person in the same way as the owner himself or herself, but only with the obligation to preserve the essence of these things [2]. The essence of the usufruct in French civil law is that its subject acquires the ability to use the encumbered thing

and extract income and benefits from it, provided that its integrity and safety are ensured.

There is no direct concept of usufruct in Ukrainian Civil Code. Ukrainian legislation is limited to some elements of it in other institutions like easement, emphyteusis and superficies (articles 401, 407, 413 of Civil Code of Ukraine) [3]. In the connection with reforming of Ukrainian Civil Code and the process of eurointegration, it is necessary to use the experience of other countries during law-making activity.

The idea of usufruct was defined by civil law researchers of different countries. According to French Civil Code, usufruct may be established not only by virtue of will, gift contract or contract for compensation (less often), but also by a limitation period of the usufruct within 10, 20 or 30 years. Usufruct can be realized by virtue of law (for example, parents own the usufruct on the property of their minor children until the child reaches age 18 (article 384 of French Civil Code). The surviving spouse receives usufruct for a share of the property of the deceased spouse (article 767 of French Civil Code) [2].

This institute has social and economic significance in European countries, especially in Belgium. Usufruct offers people more choices for exploiting and using their property. The date of entry into force of Belgian reform on property law is September 1st, 2021. This reform refers to the estimated impact of subsequent changes on legislation.

The main changes in Belgium property law were included by Civil law researchers in Book III of Belgium Civil Code. The maximum term for usufruct is increased up to 99 years. The right of usufruct can be vested to the benefit of legal entities for a period of up to 99 years (whereas now the maximum term is 30 years). Belgium lawyers Rudy Dupont and Benjamin Pirlet believe that usufruct will still be linked to the «life» of the party concerned and it will end with the «end of that life». Book III now clearly stipulates that usufruct ends in the event of bankruptcy or voluntary, legal or judicial dissolution, but not in the event of merger, splitting or similar operations [4].

The current level of development of property relations in our country requires the introduction of usufruct, and it is seen that there is a number of socio-economic prerequisites for this. They are due to the fact that today there is a situation in which, on the one hand, there is mass acquisition of real estate by individuals, and on the other – restriction of real estate owners' rights (rent, loan, trust management) and the lack of a developed system of limited property rights, which are known to be in comparison with the binding absolute nature of protection.

It is necessary to make the conclusion and notice, that the appearance in the Civil Code of Ukraine of such a limited property right as the right of personal use and possession (usufruct), objectively reflects the property needs of real estate in Ukraine for the use of such real estate. Moreover, it fills the gaps in legal regulation in civil law and allows you to use the tools of property law in order to more effectively regulate property relations. Widespread recognition in foreign countries, particularly in Belgium, leads to the objective need to introduce usufruct in Chapter 32 of the Civil Code of Ukraine.

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