

Also, worth mentioning the formation of the Ukrainian (Odessa) school of reception of Roman law that formed after the change in doctrine law in 80s and was developing by research works of numerous professors to explain and fully understand this phenomenon. In recent time were published dissertation works by V.V. Vasylchenko regarding the problem of reception of Roman inheritance law, O.S. Kozlova and R.F. Gongalo about the influence of Roman law on the development of Ukrainian institutes of law and many others.

Summing up the above conclusions, we can state that Roman law played a great role in the development and formation of the Ukrainian law, and with the new course of our country more positive changes, regarding European law system, that also is influenced by Roman law, yet to be made.

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LEGAL PERSONALITY IN ROMAN PRIVATE LAW AND MODERN CIVIL LAW OF UKRAINE

The doctrine of a modern state of emergency understands by the term legal personality the ability of a person to be a full participant in regulated legal relations – a subject of law. Roman lawyers defined the subject of law by the term persona (the legal meaning is «man»), persona is the carrier of certain subjective rights and obligations.

Legal personality is the ability to be a subject of law, to enter into legal relations. Legal personality is made up of legal capacity, capacity and delictual capacity.

Legal entity – a set of such properties and qualities of the individual, which allows you to be the subject of any relationship (introduced by Tim Lawyer)

Categories of legalized consist of:

1. Legal capacity – the ability of a person to have a subjective right to duty.
2. Capacity – the ability to acquire by their actions to exercise their rights in full, to meet their obligations, to bear the property responsibility for causing harm to life, health, property of third parties.

The capacity disintegrated into bargaining and tort ability.

Legal capacity arises from the moment of birth of a Roman citizen. According to proculeans, a child is legally capable if he was born alive and in human form. Roman lawyers recognized certain elements of legal capacity for children conceived before the death of the testator. After birth, the children were called postum (for the unborn children, the subject right to the inheritance due to them). If such a child was bypassed in a will, but he was born, then the will in this part is not valid.

Unlike legal capacity, full legal capacity in classical Roman law began at age 25. The person was considered partially capable, up to 25 years. Depending on the volume of legal capacity in Roman law, age groups were distinguished:

1. *infantes* – children under 6 years old. Legal, but completely incapable. The legal personality of the children was perceived by the legal personality of the householder, and in his absence, a guardian was appointed. They had no rights and were not responsible.

2. *inpuberates* (immature, young) – adolescents 6-12 (girls), 6-14 years old (boys). Partially capable, small-scale transactions could be made only with the consent of the householder (guardian). These persons had the right to independently make transactions aimed at the free acquisition of property (donation, acceptance of inheritance). They themselves were responsible for the offenses committed. Transactions aimed at the alienation of property, they committed only with the consent of the curator.

3. *minores* – *jur incomplete*.

- a. young men from 14 to 25 years old or under the influence of the father if they left the family, but did not marry up to 25 years, guardianship due to inexperience in affairs. They independently made transactions aimed at the free purchase of property; independently held responsible for the offenses committed; could get married; could make a will;

b. women until the establishment of Christianity was in a minor state all life (with the adoption of Christianity, a minor state is excluded).

Women are like children; they cannot reasonably manage and dispose of property (Kulpian)

A person is considered fully capable from the age of 25, if there are no grounds for recognizing him as partially capable or not fully capable.

Persons suffering from certain mental illnesses were recognized as completely incompetent in Roman law. Such persons were considered completely incapacitated during the period of exacerbation of the disease. In the period of «enlightenment» – fully capable. The order of defining these periods was not covered.

Restricted in the pre-imperial Roman law were:

- women (they were under the authority of the father or husband, or under guardianship (if there was no father and husband). All transactions could be made by a woman only with their consent)

- Persons with certain physical disabilities (deaf, blind, etc.);

- waste workers;

A person is recognized as a squander either by decision of a state body (magistrate) or by the will of his father. A squander is a person who unreasonably spends the property belonging to him and thereby puts himself and his family in a difficult financial situation. A person recognized as a squander did not have the right, without the consent of the curator, to dispose of his property, to draw up a will.

Slaves deserve special attention. They were not subjects, but objects of law. Slaves had no family. Children born as slaves became the property of the owner. All things acquired by a slave by discovery, donation and other things, became the property of the owner. Slaves were granted legal capacity, which they received in the interests of the owner. When they made a deal, the rights were granted to the owner, and the duties were assigned to the slave. If a slave committed any offense, then his master paid a certain amount of money for him or gave it to the victim. However, any harm caused to the slave gave the owner the right to claim damages.

With the further development and formation of Roman society, the position of slaves has improved. From this moment on, the master is prohibited from cruel treatment of slaves for no reason. The master who killed the slave is also found guilty as if he would have killed the slave of others.

With the growth of commodity-money relations, the identity of the slave is recognized, although this is in the interests of the owner. Some slaves are endowed with property; they are recognized as the legal capacity to carry out transactions, which can be carried out only in the interests of the owner.

In the first half of IV slaves were allowed to sue slave owners; indicate that the owner is guilty of concealing duties, counterfeiting a coin. Nevertheless, the position of the slaves remained heavy.

In the case of slaves, their natural rights were violated, such as the right to a family, the right to freedom and personal space.

A similar division in capacity exists nowadays, except for the existence of slaves. Slavery began to lose its power in the early 20th century (Mauritania last abolished slavery in 1981). There is also the Convention for the Protection of Human Rights and Fundamental Freedoms – an international agreement between the countries participating in the Council of Europe, which entered into force on 3 September 1953. All of these factors impede the manifestation of slavery or the infringement of the rights of other people today.

Every person has a number of rights since birth, the list of which not only increases as he grows up, but is also complemented by duties. Therefore, children (juvenile) are considered incomplete from birth to 14 years. They can not be hired by a work, responsibility for the crime of children lies with the parents or guardians, if there are no parents for a specific reason or they are deprived of parental rights.

Minors are teenagers from 14 to 18 years. It is from this point that he has the opportunity to find a side job, but for this, it is necessary to obtain the consent of the parents. However, he can devote her only a few hours a day. Minors between the ages of 14 and 18 are liable on their own, on a common basis, for damage caused in civil cases and for violations of contracts concluded by them independently or concluded in agreement with the parents or guardian. If a minor has not enough property to pay damages, his parents or guardian, custodian bear additional responsibility.[2, 5]

The age of majority in Ukraine comes at the age of 18, although in different countries of the world people who are at least 19 years old and sometimes 21 years old are considered adults. Full capacity comes from this moment. A citizen can purchase alcohol and tobacco products in stores, appear on the street at night without an adult escort. At any age, a teenager can be left an inheritance, but he will be able to receive it according to the law only when he reaches 18, when his full legal capacity comes.

As I said earlier, in Roman law a woman always remained at the age of minority and was under the authority of her father before the marriage, her husband after the marriage, under the authority of her sons in the event of the death of her husband. Roman woman freely appeared in society, went to visit, and attended ceremonial receptions. However, politics was not a woman's business; she was not supposed to be present at the people's meetings. Since 1893, countries around the world have stepped on the path of equalizing women's rights with men. In 1917, the Russian

Empire did this, and by 1998, women had the right to vote almost everywhere, except for five countries in the Middle East (Bahrain, Kuwait, Oman, Qatar, and Saudi Arabia) and the Sultanate of Brunei.

This, perhaps, is almost the most important difference in legal personality in Rome and today. Nowadays, a woman, just like a man becomes an adult at the age of 18. She can work, dispose of property, has political rights, such as to vote and even renegotiate for the presidency, and, had equal rights to a child, like a man. Moreover, most often in the case of divorce, the court often side with the mother than the father.

It is interesting that in Roman law there was no such thing as deprivation of parental rights. All power over the child belonged to the father, the pater familias, who could sell the child or give into slavery. Only when the child was sold three times or given to work for the debts of his father, he could become free from power of pater familias. Nowadays, it becomes more democratic. As mentioned earlier, a mother has equal rights to a child, just like a father. Both mother and father may be deprived of parental rights in cases provided for by the Civil Code of Ukraine, namely:

- 1) They did not take the child from the hospital or from another health care institution without a valid reason and for six months did not show parental care of him;
- 2) evade the fulfillment of their responsibilities for raising a child;
- 3) Abuse the child;
- 4) are chronic alcoholics or drug addicts;
- 5) resort to any kind of exploitation of the child, forcing him to begging and vagrancy;
- 6) Convicted for committing an intentional crime against a child. [6]

To sum up, it is important to say that in Roman law there were many rules and regulations, which formed the basis of many modern laws. However, there have been changes that allowed equalizing people in rights and making them equally legal. Such changes include the abolition of slavery, the equalization of women and men in rights, the empowerment of political rights, the establishment of state protection regarding the proper treatment of children, etc. All this made our society more civilized and democratic, which was vital for the further development of humankind.

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