

system of the world and made a great contribution to the establishment of world systems of legislation.

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MARITAL FAMILY RELATIONS IN ROMAN LAW AND IN THE MODERN FAMILY CODE OF UKRAINE

To begin with, we should mentioned that learning modern legislative impossible without information which contains in Roman private law. Marriage relationship has developed over many centuries, shaping certain principles and laws, which influenced the formation of the modern legal system.

Relevance of the research of the study of the category of «marital relations» is due, first of all, to analyze the union between a man and a woman, that is regulated by laws, rules, beliefs, customs and attitudes that prescribe the rights and duties of the partners [1].

It should be noted that the central conception remains unchanged through years. The family began with marriage, and marriage was basically a matter of intention, the intention to live together as husband and wife.

Through the ages marriages have taken a great number of forms. During the historical formation, for example, we can also divide Roman legal marriage into two types: Cum Manu (marriage with men's power) and Sine Manu (marriage without

men's power) [2]. Scientists suggest that Cum Manu arose earlier than Sine Manu. Lately we could also observe the concubinage. It was the rule that allowed men to enter into certain illegal relationships with women without any backlash. Nonetheless, for today we can't see disclosure of these forms of marriage.

In the Family Code of Ukraine the dominate form of matrimony relations has become according to the section 24: Marriage based on the free consent of woman and man. Nowadays, forcing a woman or a man to marriage is not allowed.

More than that, marriage in Roman private law was effected by means of either. In this connection, we propose to address them.

The first and the most ancient form of marriage was confarreatio. This was a sacred ceremony based on the religious rite. There were some conditions which must be full field in any way, and only after their implementation the priest could pronounce solemn words [3]. By the way, in the Ukrainian Family Code says that a family religious ceremony is not a ground for the rights and duties of a woman and a man as a wife and a husband, except for cases when the religious ceremony of the family occurred before the creation or restoration of state registration of civil status acts.

At the same time, another form existed in Roman family law. It was called coemptio. Today this form had disappeared because of its senselessness. We also should not forget about the last (third) form that was called usus. In this form of marriage women came under the man's potestas [3]. We can safely assume that in our modern society these forms definitely cannot exist.

Another aspect that must be exploded is the age for marriage. Actually, in Roman law the men could have a family when he was 14 years old. However, women were forced to marry at the age of 12 years. The current Ukrainian legislation offers us another age frameworks. The person can create a family when he or she had already 18 years. It should be mentioned that there are some exceptions such as in the article 23.2 where says that a woman can marry earlier than 18 under certain conditions.

An important point is that there are some similarities in our Family Code and Roman Family law. For example, the spouses should not have been made up of relatives. Such relations were punishable by death penalty according to Roman law. Accordingly, to the Article 26 of the Family Code of Ukraine, relations between relatives are also prohibited.

To crown it all, we need to analyze the system of divorce in that time and nowadays. Lawful divorce was relatively informal in Roman law; Both the wife and the husband could initiate a divorce, either verbally or in writing. The wife simply took back her dowry and left her husband's house. Divorce was relatively common

and «shame-free,» the subject of gossip rather than a social disgrace [4]. In the present if the person wants to divorce, he or she must apply to the court with the official request to break the marriage.

To draw the conclusion, one can say that Roman matrimony law was not ideal but was a good base on which legal family systems of various countries were formed. On the one hand, it was very strict and hard system, but on the other hand, it played a very vital role in the formation of the right relationships between men and women. Today we have a great opportunity to make our family law more improvable and correct.

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ROMAN INHERITANCE LAW AS THE BASIS FOR THE FORMATION OF THE SUCCESSION LAW IN UKRAINE

In the writings of Roman lawyers, inheritance law was considered as a way to get the property «*mortis causa*», that is, in the event of the death of the previous owner. Roman private law has developed the most important concepts of inheritance law, perceived by modern legal systems. These concepts and provisions include: inheritance– property, which is transferred to other person in connection with the death of the owner; testator; heirs; universal succession in accordance with which all property rights and obligations, including debts of the testator, are transferred to the heir; singular succession – succession in a separate law; the grounds for inheritance and the procedure for acquiring inheritance; relations of heirs between themselves and with the creditors of the testator.