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CIVIL REGISTERED PARTNERSHIP

The civil registered partnership is a state-recognized social institution that legally establishes a relationship between two people who may be the same or different sex and are unwilling or unable to legally register a marriage.

Why a «partnership»? – because it regulates the relationship between partners. Why «civil»? – because it belongs to personal life, civil rights and responsibilities, and does not require church acceptance. Why «registered»? – because it is subject to documentary registration.

Specific terminology for such unions varies from state to state. The legal consequences of their conclusion are also different. That is why this issue requires a deep doctrinal study.

The CRP Legal Institute is appointed for all couples who cannot or do not want to get married. «Cannot» is about homosexual couples who do not have such a right in Ukraine. «Do not want» is about heterosexual couples who for various reasons want, for example, to maintain the formal status of unmarried or simply do not want publicity for their relationship.

To better understand this legal institution, it is necessary to draw an analogy with the institution of marriage. The difference is that marriage gives the right to co-adoption, partnership – no. Marriage is historically considered to be a once-in-a-lifetime, while partnership provides for an indefinite duration, depending on life circumstances that are unknown in advance. Information about marriage is open by default, about being in a partnership – confidential. Marriage is traditionally associated with a number of religious rites (church weddings) and folk traditions (weddings), partnership is not. Marriage gives the right to a common surname, partnership does not require a change of surname. However, both forms of family relationships have a strong symbolic meaning for those who are in it [4. p. 574-582].

A registered partnership is a kind of intermediate form between informal family cohabitation and marriage. The CRP in Ukraine can be an even better form of regulation of family partnerships than marriage because the regulation of marriage dates back to very ancient times, many of which have changed in our lives, instead of the CRP – it is something completely new, and accordingly – can be «formatted» 100% to the needs of modern time in accordance with the realities of family life today.

The CRP institution also avoids religious disputes or at least reduces the degree of misunderstanding, because the CRP, unlike marriage, has no intersections with regulation through canon law.

The opportunity for same-sex and heterosexual couples to register a relationship through the institution of civil partnership provides the following rights:

- the right to common property (movable and immovable property);
- the ability to inherit and bequeath property;
- the right to alimony and benefits;
- the right not to testify against your partner in court;
- the right to register a permanent residence for a partner with another citizenship;
- the ability to visit your partner in medical facilities, learn about the medical condition, care and dispose of the body in case of death;
- the right to joint parenthood and upbringing of children;
- and many other rights and responsibilities [3].

Regarding the historical background, it can be noted that the first law on the possibility of concluding civil partnership was adopted in 1989 in Denmark, later same-sex partnerships under one terminology or another were legalized in many other progressive countries. The purpose of this decision was to ensure the legal recognition of same-sex couples and give them rights and responsibilities similar to marriage [1].

Today, same-sex marriage is legal in absolutely all American states, and some of them recognize various forms of civil partnership.

In Europe and Scandinavia, a civil partnership is recognized in 29 countries, and in some countries, the institution of a civil partnership can benefit not only same-sex but also heterosexual couples.

So, as we can see, the CRP was established not only for homosexual couples but for heterosexuals too. Among the reasons why heterosexual couples also need a partnership are:

- heterosexual couples often do not want to get married but want to make their lives legally protected, they want more financial security, which is provided in a civil marriage;
- more and more progressive young couples want to avoid the gender roles and stereotypes associated with the institution of marriage, as marriage has historically been understood as a «union between a man and a woman»;
- legal security of civil partnership without the historical and cultural baggage of marriage [3].

Ukraine has committed itself to adhere to the Association Agreement between Ukraine and the EU, which stipulates that the existing legislation of our country is formed through respect for human rights and fundamental freedoms.

As part of Ukraine's commitments to the EU, the current Ukrainian legislation is being prepared for renewal. The legalization is envisaged by the National Human Rights Strategy for the period up to 2020.

The Action Plan for the implementation of the National Human Rights Strategy for the period up to 2020, approved by the Cabinet of Ministers of Ukraine on 23.11.2015 in the section «Prevention and counteraction of discrimination», provides for the development and submission to the Cabinet of Ministers of Ukraine amendments to the existing legislation of Ukraine about the legalization of civil registered partnership in Ukraine for heterosexual and same-sex couples, taking into account property and non-property rights.

This dwarf should provide for relations related to property: inheritance and common property. In addition, it must provide for the right of the incapacitated partner to receive security from the able-bodied partner. In the field of criminal proceedings – the right not to testify against his partner in criminal proceedings [1].

The information shared in the media about the submission of the draft law by the Ministry of Justice to the Cabinet of Ministers of Ukraine on the legalization of civil partnership for same-sex couples is not true. Unfortunately, no ministry is currently developing such a document [2].

Consequently, in order to fully integrate with the EU and overcome discrimination, Ukraine needs to develop appropriate legislation, based on the foreign experience of the world's leading countries.

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