



Roman KARPENKO

Associate Professor at the Department
of Civil Law Disciplines
of Educational Scientific Institute
of Law and Innovative Education
of Dnipro State University
of Internal Affairs (Dnipro, Ukraine),
Candidate of Legal Sciences, Docent

<https://orcid.org/0000-0001-8484-710X>

**NOTARY PROCEEDINGS REGARDING CERTIFICATION
OF UNDISPUTED FACTS UNDER MARITAL LAW**

Notarial proceedings regarding the certification of indisputable facts are an important component of notaries' activity, which is aimed at legally establishing facts that do not cause doubts and are not subject to appeal. This is a special procedure that ensures stability and predictability of legal relations through official confirmation of legally significant circumstances.

Certification of indisputable facts guarantees their legal force and the possibility of use in future legal relations, which is an important tool for protecting the interests of citizens and legal entities. The study of this procedure is relevant from the point of view of improving notarial practice and the development of the notary institution in Ukraine.

Notarization of undisputed facts is one of the main functions of the notary and is a special form of legal activity, which consists in establishing objectively existing circumstances that have legal significance.

The legal nature of such a certificate consists in the creation by a notary of documents that have increased probative value and can be used in judicial and administrative proceedings without the need for additional confirmation. Notarization of indisputable facts is based on the principles of legality, impartiality and objectivity, which ensures a high level of trust in notarial actions and stability of legal relations.

An indisputable right is subject to legal protection in the field of notarial activity, especially regarding the notarial process of certification of indisputable rights. The criterion of indisputable rights can be used to determine the conditions under which such rights can be notarized and the conditions under which judicial intervention is required for their registration.

According to Article 392 of the Civil Code of Ukraine (hereinafter - the Civil Code of Ukraine), according to the rules of which the owner of the property can file a claim for recognition of his ownership right, if this right is disputed or not recognized by another person, as well as in case of loss of a document that certifies his ownership.

Based on the content of this article and the provisions of the law on notary, we consider it expedient to propose the following criteria for the indisputability of rights certified by a notary: the need to ensure state control over the availability of grounds for acquiring these rights provided for by law; availability of documentary evidence required by law, confirming the grounds for notarial act [1].

Establishing the grounds for the acquisition of indisputable rights in notarial proceedings is reflected in the duties of the notary public to observe the general and special rules for notarial actions.

The general ones include, in particular, determining the place and time of notarial acts; identification of participants in civil legal cases; confirmation of legal capacity of individuals and legal entities;

signing of notarial acts, as well as notarial activity; request for information and documents necessary to perform notarial acts; compliance with the requirements established by law for acts and notarial documents;

the possibility of a notary refusing to perform notarial acts; the notary can take measures to prove violations of the law; to register notarial acts, to issue copies of notarial acts, thereby limiting the right to perform certain notarial acts.

Provisions defining the procedure for performing notarial acts, payment for performed notarial acts, the possibility of challenging each notarial act are enshrined in Chapter 4 of the Law of Ukraine «On Notaries».

Special rules of notarial action include: issuance of certificates of the right to inheritance, certificates of property acquisition through public bidding (auction),

certificates of ownership of shares in the joint property of spouses in the event of the death of one of the spouses; peculiarities of the subject composition of the subject;

specific documentary evidence that must be submitted by interested parties or requested by a notary to confirm the facts; requirements for the content of the issued certificate confirming the existence of indisputable property rights [2].

The need to apply the law to specific spheres of social relations depends on the nature and character of these relations.

This is necessary in the following cases: the resulting legal relationship must be managed by the state under the guidance of a competent authority;

establishing a legal relationship requires a special judgment about the presence or absence of certain facts; certain actions must be formally established and formalized as legally significant facts, while their correctness and legality must be verified, this is precisely the activity of a notary [3, p. 43].

Taking into account the above, it can be concluded that the notarization of undisputed facts is an important component of the notary's activity, which contributes to ensuring the stability of legal relations and protection of the rights and interests of participants in civil transactions. This procedure allows you to legally establish the existence of objective facts that do not cause doubts, ensuring their evidentiary value in judicial and administrative proceedings. The main criteria that determine the indisputability of the facts are compliance with the requirements of the law, the availability of appropriate evidence and compliance with the principles of legality and impartiality on the part of the notary.

This procedure allows you to legally establish the existence of objective facts that do not cause doubts, ensuring their evidentiary value in judicial and administrative proceedings. The main criteria that determine the indisputability of the facts are compliance with the requirements of the law, the availability of appropriate evidence and compliance with the principles of legality and impartiality on the part of the notary.

1. Civil Code of Ukraine. Verkhovna Rada of Ukraine; official website. URL: <https://zakon.rada.gov.ua/laws/show/435-15#Text>.

2. Notarial proceedings regarding certification of indisputable rights: monograph / I. M. Cherevatenko Kharkiv: Pravo, 2017. 200 p.

3. Notary in Ukraine: [textbook] / V.V. Komarov, V.V. Barankova. X.: Pravo, 2011. 84 p.

4. Law of Ukraine "On Notary" dated September 2, 1993. URL: <https://zakon.rada.gov.ua/laws/show/3425-12#Text>.

Богдан КИРДАН

доцент кафедри
цивільного права та процесу,
кандидат юридичних наук, доцент

<https://orcid.org/0000-0001-9284-9930>

Володимир ШАПОВАЛ

здобувач вищої освіти
Інституту заочного та дистанційного
навчання Національної академії
внутрішніх справ (м. Київ, Україна)

ПРО НЕОБХІДНІСТЬ КОДИФІКАЦІЇ ІТ-ПРАВА В УКРАЇНІ: ПЕРСПЕКТИВИ СТВОРЕННЯ НОВОЇ ЧАСТИНИ В ЦИВІЛЬНОМУ КОДЕКСІ УКРАЇНИ

Розвиток інформаційних технологій є одним із провідних драйверів сучасної економіки та суспільства, що впливає на всі аспекти людської діяльності. Україна, прагнучи інтегруватися у світове цифрове середовище, стикається з численними викликами, які вимагають адекватного правового врегулювання. Проте зараз у вітчизняному законодавстві відсутня чітка система норм, яка б регламентувала відносини в ІТ-сфері, що спричиняє правову невизначеність. Це стосується питань інтелектуальної власності, обробки персональних даних, електронної комерції, кібербезпеки та багатьох інших аспектів, що стають все більш актуальними.