

PROBLEMS AND JUDGEMENTS

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PARTICULAR FEATURES OF JUDICIAL RESOLUTION OF FAMILY DISPUTES FOR FAMILY LAW OF UKRAINE

Features of the judicial resolution of family disputes under the laws of Ukraine are considered in the article. The problems of legal regulation of family relationships, provides recommendations to overcome them.

It is analyzed the distinction between "guard" and "protection" of rights is not only theoretical but also practical, as each of the concepts involves a certain set of actions and their intended direction. Protection and enforcement can be seen in the ratio as an abstract and a concrete phenomenon. Privacy is somewhat legislated model, which must contain certain properties and the conditions under which the violation is possible to apply defense in response to violations of the rights and legitimate interests. That protection exists regardless of the circumstances, as defense applies only upon the occurrence of legal facts as have committed the offense. Protection is a real remedy or interest. The right to defense is guaranteed by each participant and family relationships, both personally and through a representative or through state of the guardianship.

There are two forms of protection

of family rights – jurisdictional and not jurisdictional. In the form of jurisdictional protection of the rights of the family relationships is carried out by a competent and authorized state body – the court. Not a jurisdictional defense is derived from the right to self-defense, which is fixed by the Civil Code of Ukraine. Not jurisdictional form of protection provides for independent conduct proactive participants in family relationships for preventing or stopping the offense.

At the level of judicial protection and to protect family rights and interests is also considered exercised guardianship authorities, prosecutor or a notary public.

It is analyzed the role of the prosecutor and notary that can perform protection of family rights.

The author notes that family relations are governed not only a branch of family law. The greatest influence on the regulation of family disputes is a branch of civil law. According to the Civil Code in cases prescribed by law, the protection of family rights can be exercised by administrative procedures or public (private) notary