UDC 347.63(043.2)

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A CONCEPT AND A NATURE OF CORPORATE RELATIONS AND THEIR TYPES

The founder of the theory of corporate relations is considered to be the German lawyer O. F. Girke, who was the first to pay attention to the peculiarities of legal relations, one of the subjects of which was a German corporation. In particular, the author proposed dividing the corporate legal relations into two groups. Within the framework of the first, the corporation, endowed with the qualities of a real legal entity, exercised its rights and fulfilled legal obligations. The second group covered social relations regulated by legal norms that arose between the corporation and its participants (members), within which there was no place for the corporation to exercise authority over its participants (members) [1, p. 8].

The analysis of the broad and narrow understanding the corporate legal relations shows that the basis of their understanding is the subject composition and the circle of relations in which such persons participate. At the same time, it is worth understanding that without the existence of a corporation, it is impossible to talk about corporate legal relations at all. So, we can clearly see a significant shortcoming of the narrow understanding the studied relations – the lack of language about the corporation as a participant in corporate relations. However, it is also worth narrowing down the overly "comprehensive" approach of a broad understanding the corporate legal relations, the participants of which should be defined as the corporation and its participants, but not all legal relationships of the corporation as a legal entity should be taken into account, but only those that concern the organization of its functioning as a basis for ensuring that its participants exercise their corporate rights and fulfill their corporate duties [1, p. 12].

Corporate relations have a complex nature and complex structure. Thus, corporate relations include a group of internal relations – their subjects are the participants (founders) of the economic organization, the economic organization itself (as a legal entity, subject of law) and its bodies, and a group of external relations that arise between the economic organization and by third parties.

In accordance with Part 3 of Article 167 of the Civil Code of Ukraine, corporate legal relations are relations that arise, change and terminate in relation to corporate rights. In general, with the adoption of the Economic Code of

Ukraine, corporate legal relations were defined for the first time at the legislative level. The definition of corporate rights is given in Part 1 of Article 167 of the Civil Code of Ukraine: these are the rights of a person whose share is determined in the authorized capital (property) of an economic organization, which include the right to participate in the management of an economic organization, receive a certain share of the profit (dividends) of this organization and assets in the event of liquidation of the latter in accordance with the law, as well as other powers provided by law and statutory documents [2, p. 35].

According to V. M. Savinova, the content of corporate legal relations is specific corporate rights and obligations of their subjects. However, as noted scientist, a problem arises when it comes to the demarcation of corporate rights on those who are responsible for the content of corporate legal relations, and those who are considered objects of law, i.e. are in civil circulation [3, p. 72].

Corporate legal relations are characterized by the presence of mutual legal rights and obligations, which represent a set of legal relationships regulated by the norms of corporate legislation, including at the local level.

The content of corporate legal relations consists of corporate rights and obligations that arise, change and terminate in accordance with the norms of corporate legislation.

It should be noted that corporate rights can be classified as a whole a number of features:

I. By the sign of generality, corporate rights can be divided into: general, those of organizational and legal forms; characteristic of corporate enterprises of all special – those that are characteristic of separate organizational and legal forms of corporate enterprises;

II. By the feature of primacy, corporate rights are divided into: basic (main or primary); derivatives (specific ones that reveal the content of basic rights);

III. By the source of corporate rights: provided by law; provided by the local acts of the company, among which, in turn, it is possible to distinguish: the rights contained in the founding documents of the respective corporate enterprises and the rights provided for by other local acts of the respective corporate enterprises (in particular, the regulations);

IV. By nature, corporate rights are divided into: proprietary; organizational;

V. By legal essense: a group of corporate rights for the management of a corporate enterprise; a group of corporate rights for obtaining profit and property of a corporate enterprise; a group of corporate rights for obtaining information on the activities of a corporate enterprise; a group of corporate rights to dispose of shares/parts [4, p. 112].

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UDC 347.63(043.2)

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DEVELOPMENT OF MEDIATION IN THE WESTERN COUNTRIES

In the modern conditions of state development, the recognition and observance of human rights and interests as the highest social value comes to the fore. In this direction, the appropriate reaction of the state to the committed crime, in particular, its immediate prevention and prevention of new manifestations of criminal behavior in the future, becomes important. One of the initiatives in this field is the introduction of the mediation procedure into the justice system. It is based on the ideas of reconciliation of the parties to the criminal conflict, termination of the conflict itself, taking into account the needs and wishes of the victim, the offender's awareness of moral and legal responsibility for the crime committed, as well as the reintegration of the offender into society.

Mediation, as an alternative method of dispute resolution, is gaining more and more popularity in Western countries. In many countries, mediation procedures have long become an integral part of the judicial system and are used to resolve a wide range of cases.

For example, in the US, each state has its own mediation laws, and many courts require parties to see a mediator before going to court. In the UK, mediation is very common in civil and family matters, as well as in commercial matters.

In Germany, mediation procedures began to be used more often to resolve family and civil cases, as well as in economic cases. In France, mediation is mandatory before court proceedings for some types of cases.

In many countries where mediation is not mandatory, many people still turn