UDC 349.22(043.2)

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# JUDICIAL PRACTICE IN CIVIL CLAIMS FILLED BY INTERNALLY DISPLACED PERSON DURING MARITAL LAW

Due to objective reasons, part of the population of Ukraine was forced to change their place of residence or stay and received the status of an internally displaced person (hereinafter referred to as an IDP). In practice, a significant number of IDPs lose all or part of their documents, including identity documents. The Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" ensures the right of such persons to issue and receive identity documents (Article 6 of the Law) [1], because their presence is an opportunity to implement and protect their rights and freedoms, including when determining the territorial jurisdiction of the application.

The judge of the Prydniprovsky district court of Cherkasy, in case No. 711/3655/22, made a decision to transfer the application for consideration to the Pavlograd city-district court of the Dnipropetrovsk region. The statement concerned the establishment of the fact of the death of a citizen of Ukraine, a native of the city of Donetsk, Donetsk region, who died in the temporarily occupied territory of Ukraine in the Kuibyshev district of the city of Donetsk [2]. An application for the establishment of a fact that has legal significance is submitted to the court at the place of residence of the natural person who submits it (part 1 of Article 316 of the Civil Code of Ukraine) and is considered in separate proceedings (Article 293 of the Civil Code of Ukraine). Submission of an application to establish the fact of the death of a person in the temporarily occupied territory is regulated by the second part of Article 317 of the Civil Code of Ukraine, according to which the application is submitted to a court outside such territory, taking into account the rules of jurisdiction. During the submission of the claim to the Prydniprovsky District Court of Cherkasy, a certificate of registration of an internally displaced person dated 22.04.2022 was added to the claim, which is a fact of the applicant's residence in Cherkasy. However, the case file also contained a copy of the applicant's passport, according to which Donetsk is the place of residence. Then the court argued its position regarding the transfer of the case to another court by excluding the words "and the certificate of registration of an internally displaced person" in the first paragraph of Resolution of the Cabinet of Ministers of Ukraine No. 579 of 09.08.2017 (hereinafter – the Resolution) (expired on 07.02.2022) [2]. From this, the position of the courts was formed,

that a certificate of registration of an IDP is not a ground for applying to the court at the place of residence.

Another ground for transferring the case to another court is set out in the Court ruling of the Dnipro District Court of the city of Kyiv of 16.02.2023 in case No. 755/12631/22 [3]. Here the court compared the norms of the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons", the Law of Ukraine "On the Provision of Public (Electronic Public) Services Regarding Declaration and Registration of Residence in Ukraine" and Article 29 of the Civil Code of Ukraine and concluded that an individual may have several places of residence, but only one of them will be registered. Thus, the court considers that the certificate of registration of IDPs is not a confirmation of the place of registration and is not a ground for consideration of the case by the Dnipro District Court of the city of Kyiv [3]. From this it follows that the courts could continue to refer cases to another court on the said basis, because the Resolution, which was referred to by the court in the first case, has lost its validity, but the appellate courts came to the opposite conclusion.

In case No. 522/15147/22 of 23.02.23, the Odesa Court of Appeal formulated the conclusion that a certificate of registration of an IDP is a basis for consideration of the case by a court whose territorial jurisdiction extends to the place of residence specified in the certificate [4]. The court also considered the Procedure for declaring and registering the place of residence/stay, which was adopted by Resolution of the Cabinet of Ministers of Ukraine dated 07.02.22 No. 265 "Some issues of declaring and registering the place of residence and maintaining registers of territorial communities". The court drew attention to the fact that during the period of temporary occupation of the territories in the Donetsk and Luhansk regions, the Autonomous Republic of Crimea and the city of Sevastopol, the effect of the first part of Article 4 of the Law of Ukraine "On the Provision of Public (Electronic Public) Services Regarding Declaration and Registration of Residence in Ukraine" does not apply to persons registered in such territories [4]. That is, such persons will have two places of residence registered, instead of one.

As we can see, it is possible to fill a claim by an IDP to the court at the place of stay, which is indicated in the certificate, of course, under the conditions of compliance with all the rules of jurisdiction, which are defined by Chapter 2 of the Civil Procedure Code of Ukraine. At the same time, the practice of courts of first instance indicates a desire to transfer cases to other courts, so plaintiffs need to be careful and observe all the rules of jurisdiction defined by legislation.

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UDC 340.12(043.2)

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## INTERACTION BETWEEN SHAREHOLDERS AND MANAGEMENT IN THE PROCESS OF CORPORATE GOVERNANCE

Interaction between shareholders and management is one of the key components of effective corporate governance. In the course of a company's operation, shareholders have the right to influence the strategy and decisions made by management. Such interaction can be ensured by creating an effective corporate governance system, establishing rules and procedures to regulate the interaction between shareholders and management, and ensuring openness and transparency of the company's reporting to shareholders and the public.

One of the main mechanisms of interaction between shareholders and management is the general meeting of shareholders. The general meeting of shareholders is the supreme governing body of the company and has the right to make strategic decisions, amend the charter documents and elect members of the board of directors. During the general meeting, shareholders have the opportunity to express their opinions and suggestions on the company's activities and influence decision-making.

However, there is a risk that management may use their position to increase their own power and control over the company. To prevent this, independent boards of directors can be established, consisting of independent experts and tasked with ensuring that decisions are balanced and risks are managed.

To ensure effective interaction between shareholders and management, it is also necessary to regulate the relationship between shareholders and