

LAW ENFORCEMENT AS A FORM OF REALIZATION OF RIGHT: PHENOMENOLOGICAL ANALYSIS EXPERIENCE (CIVILIZED ASPECT)

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TITLE: *La aplicación de la ley como forma de realización de la ley: la experiencia del análisis fenomenológico (aspecto civil)*

ABSTRACT: *The research is dedicated to the analysis of law enforcement civil aspects in legal regulation of public relations, determination of its character and value as security instrument of their effectiveness. It is set that law realization is considered in such forms as law fulfillment, law application, law enforcement, law fulfillment and law termination accompanying the motion of civil-law relations. It is proved that the reason for law enforcement in the course of civil-law relations realization is such character of their development, reality and affiliation of which in view of their social value is provided individually-legal instructions given by public authority. Realization of subjective civil rights and legal obligations in private relation is provided by the acceptance of individual legal act issued by governmental authority. Authority's activity in law enforcement mechanism is provided by the system of legal measures (mechanism elements), the total amount of which shall be naturally implemented in law realization mechanism the component of which is law enforcement mechanism in synchronically directed at provision of its effectiveness. To such elements of law enforcement mechanism each of which is specified within the appropriate law realization may be included: legal provision, legal relations and judicial fact.*

RESUMEN: El estudio está dedicado al análisis de los aspectos civiles de la aplicación de la ley en las relaciones jurídico-públicas, y a la determinación de su naturaleza y significado como herramienta para garantizar su eficacia.

KEY WORDS: *Legal regulation of civil-law relations, mechanism of legal regulation, forms of law realization, application of law, judicial facts.*

PALABRAS CLAVE: Regulación de las relaciones jurídico-privadas, mecanismo de regulación legal, formas de implementación de la ley, aplicación de la ley, hechos jurídicos.

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1. INTRODUCTION

The right stands as a complex social and legal phenomenon, the main purpose of which is to regulate the most important areas of social life, their proper realization. Achieving

such result is carried out through legal regulation of social relations as the most effective means of their ordering.

At one time, a prominent theorist of Soviet era law Leo Yavich wrote:

«The specificity of legal regulation lies precisely in the fact that it is such impact on social relations, which is associated with the establishment of legal rights and obligations of their participants with the use of such rights and the fulfillment of these obligations. The measure of its validity lies in the exercise of right, which depends not only on the perfection of the legal norm itself, but also most of all on the approach to its compliance with subjects of law. Besides exercising right (objective and subjective) there is no legal regulation [...] »¹.

Continuing the opinion of the scientist we note that in considering the legal regulation of social relations in terms of process, we note that it has its beginning, realization and completion. The effectiveness of these components of the legal activity is provided by the appropriate legal means for achievement of the efficiency of the legal regulation forming the appropriate legal mechanism.

Worries of the legal regulation of social relations, the effectiveness of its functioning are the subject of interest of scientists from various sectoral areas of the legal science. However, transparency of the legal category, its interdisciplinary nature allows consider it synthetically beyond one scientific discipline.

The implementation of principle of complementarity proposed by N. Bohr in 1927 into jurisprudence makes it possible to understand adequately the phenomenon of the legal regulation of social relations, its parts through the analysis of systems that are mutually exclusive for each other. One of such elements of the legal regulation of social relations is «law enforcement», establishing the nature and value of which as a tool to ensure the effectiveness of the legal regulation in the private law plane is the subject of this scientific article.

Some issues of the law enforcement activity were investigated in scientific studies of public legal representatives of the legal science sectors (S. Alekseev, V. Kopeychikov, V. Lazarev, O. Leyst, P. Nedbaylo, O. Yakuba, etc.). At the present stage of the jurisprudence development the nature of law enforcement activity, its place in the law activity of the state are studied in the works by D. Bahrah, Y. Bytyak, V. Kolpakov, N. Onishchenko, P. Rabinovich, O. Skakun and others. At that, in the civil law of Ukraine the outlined issues are scarcely explored. However, the disclosure of the nature of law

¹ YAVICH, L.S., *Soviet Law – Governor of public relations in SSR*, Stalinovad, 1957, p. 35.

enforcement, forms of its realization in the civil and legal doctrine can increase the axiological nature of the law, outline its new opportunities, give answer to the application issues that are not solved today, in particular the issue of the effectiveness of the law enforcement mechanisms in the legal regulation of social relations.

When considering the legal regulation of social relations in a dynamic content, it is worth noting that firstly the fact of occurrence of social relations and then their sanctioning by the law norms, granting them the status of legal relations is naturally determined.

At one time, S. Alekseev has identified three stages of the law regulation: a) the stage of regulation of social relations that require legal mediation; b) the stage of action of legal norms resulted in occurrence, change or termination of subjective civil rights, legal obligations, legal relations as a whole; c) the stage of realization of subjective civil rights and legal obligations².

If necessary, the regulation of certain relations by law norms the state creating them, introduces appropriate social relations. From this stage of the legal regulation the legal model of the legal fact arises which occurrence leads to arising of legal relations.

Hereinafter, the coincidence of the actual circumstances of the reality with the legal model of behavior leads to the establishment of legal relations between the participants and their respective legal registration. Participants of such legal relations begin to perform legal actions within the lawful behavior models defined by the law or other legal regulator (civil law contract). In other words, if at the first stage of the legal regulation of social relations the model of behavior of participants of legal relations is formed, then at the second stage the indicated model gets the proper legal registration. It creates the conditions for its further realization.

At the third stage of the legal regulation of such relations the realization of subjective civil rights and legal obligations takes place. Its meaning is in realization of rights and fulfillment of obligations of participants of legal relations in the real life within the legal program of actions agreed by them.

At this stage, the aim of the legal regulation is achieved, which manifests itself in the ordering of social relations, their effectiveness is ensured. Exercise of right should be regarded as lawful actions being taken by participants of legal relations in a particular

² ALEKSEEV, S.S., *Mechanisms of Legal Regulation in Socialist State*, Moscow, 1966, pp. 30, 34, 93-94.

place, period and consistency through the mechanism for implementation of the legal regulation.

During this activity the set content of legal relations is exhausted because exercise of subjective civil rights gradually terminates the fulfillment of legal obligations that correspond to them and vice versa. As a result, subjective civil rights, legal obligations and generally civil legal relations are terminated. Thus, the realization of objective law norms is the completion of the legal regulation of social relations, its direct result.

Thus, each stage of the legal regulation of social relations is considered as a separate micro-system, within which programmed problem and its solution are formed. *The cyclical completeness and the relative autonomy of this type of legal relations is a prerequisite for staging of their legal regulation.*

2. FEATURES OF THE INTEGRATION OF LAW ENFORCEMENT ACTIVITIES

Gradual changes of staging of the legal regulation of specific legal relations, according to the author, are related to their structural and meaningful exhaustion. In other words, the creation of law norm at the first stage of legal regulation is within the respective public relations. Their aim is the result of norm setting, the achievement of which is accompanied by the adoption of the legal act. The autonomy of such legal relations within other stage is related to the nature of the subject of the legal regulation, subjective composition, etc.

Incidentally, at the third stage of the legal regulation of social relations the cyclical completeness is in their regulatory nature, which has already private law load. In turn, their autonomy is related to independent aim of the legal regulation of social relations, which is differentiated from social relations within the first and second stages of the legal regulation.

It should be noted that in due time S. Alekseev pointed to the possibility of forming the fourth stage of the legal regulation of social relations - the law enforcement stage. Its methodological basis is in provision of either the realization of right or the formation of a new content of legal relations. At this stage of the legal regulation the competent authority issues its own individual act³.

Without contesting the correctness of the scientific position of S. Alekseev, which, in our view, is consistent with the general approach to research of problem of the legal

³ ALEKSEEV, S.S., *General Theory of Law*, Moscow, 1982, p. 26.

regulation of social relations, we note that stage independence of law enforcement in the legal regulation is exaggerated. Certainly the view of S. Alekseev is right in the context of general theoretical or administrative and legal analysis of structure of the legal regulation of social relations, where law enforcement is the basis of their public and legal activity. But considering law enforcement in the applied aspect of private law nature, its place should be set based on the characteristic of autonomy and cyclic completion of stages of the legal regulation of social relations. For absence of otherwise *in private law of Ukraine, the law enforcement has official character within the stage of realization of rights*. Let's consider such scientific approach in more details.

The realization of right is a complex process of ordering social relations, implementation of legal norms into the real life. Such complexity mediates the diversity of forms of their expression. The analysis of systematic scientific researches on this subject shows that the problem of classification of forms of realization of right in legal science remains controversial today (L. Yavych, M. Brough, A. Pigolkin, P. Nedbaylo, V. Gorshenev, M. Orzih etc.)⁴. Despite the complexity of the legal classification of forms of realization of right, common to them is the fact that the coercion and permission categories are laid as the basis of the criterion. The traditional approach is such one in which the realization of right is considered in such forms as compliance, use and application⁵. We should agree with S. Alekseev in it, therefore in the given classification the significant achievement of the legal science is fixed - through determined forms the law enforcement is established by means of activity of participants of legal relations within the aim of legal regulation formed by them, mechanism of legal communication is improved. At the same time, leaving unattended of such forms of realization of rights as performance of right and termination of right that also accompany the movement of legal relations is wrong.

It should be noted that as the form of the realization of right S.S. Alekseev considers the law enforcement, i.e. the scientist relates the concept of «realization of right» and «application of rights» as a general and partial. In view of the aforesaid, it is necessary to recognize that the law enforcement isolation as an independent stage of the legal regulation of public relations at the level of the realization of right is wrong, or the application of right cannot be a component of its realization. In any case, the contradictions in the two cited scientific papers of S.S. Alekseev is clear: the phenomenon that is at the same time a component of other one by which it is subjectified cannot have independent (objective) value.

⁴ CHVANOV, O.A., *Law Enforcement Mechanism*, Saratov, 1995, pp. 15-17.

⁵ Ibid.

The further development of the theory of the scientist in studies of other specialists (M. Marchenko, M. Matuzov, A. Malko and others) does not also solve the controversial issue of correlation of concepts of application of right and the realization of right, determination of their place in the structure of the legal regulation of social relations^{6,7}.

In private law of Ukraine, unlike branches of public law, the realization of subjective civil rights and legal obligations of participants of legal relations are carried out dispersively, without government influence on their nature and content. Mainly it is in the form of compliance (passive activity of participants of legal relations, which is in retention from the commitment of legal actions) and use (active actions of participants of legal relations which are in realization of given possibilities). But it is necessary to have in mind that the whole process of the legal regulation consists of law making and law realization. The government authorities adopt legal acts that are realized by participants of specific legal relations. Despite the independence of these areas their contrast (contrast between abstract and real), they tend to diffusion. The law enforcement is provided by the law application. In turn, law application finds its own expression in the law enforcement process.

3. FEATURE OF INTEGRATION OF LAW ENFORCEMENT ACTIVITIES

The integration feature of the law enforcement activity is the focus of different types of legal activities of government authorities, their officials for the realization of subjective civil rights and legitimate interests of legal relations participants in specific conditions⁸. In other words, the legal nature of the law enforcement is determined by the law and the objective need to influence over the behavior of social relations participants in order to ensure their compliance with the legal model. *The basis of the law enforcements in the realization of social relations is such character of their development, the reality and belonging of which due to their social value is provided by individual and legal requirements of a public authority.* It manifests itself in the case of: a) the necessity of government influence on the development of social relations in order to ensure the public interest; b) the availability of a dispute about the fact and the law during realization of civil relations; c) the improper fulfillment of civil and legal obligations; d) tort commitment.

⁶ MARCHENKO, M.N., *General Theory of State and Law*, Moscow, 2007, pp. 96-110.

⁷ MATUZOVA, N.I. and MALKO, A.V., *Theory of State and Law*, Moscow, 2005, pp. 727-729.

⁸ KATEGOV, A.S., «Law Enforcement Mechanism and Legal System of Contemporary Russian Federation» (theoretical and methodological analysis). Thes. cand. sc. Law, Saint Petersburg, 2002, p. 88.

That is, as in due time V. Gorshenev established, the law enforcement activity is necessary in the circumstances of complementary nature. Such circumstances determine the positive function of law enforcement activity which the scientist calls entitling (provides occurrence or change of subjective right and legal obligations, complementing the actual composition with another legal fact, which converts the legal status of subjects). On the other hand, the law enforcement activity is caused by negative circumstances (the existence of a dispute about the fact and the law, improper fulfillment of civil and legal obligation, tort). These circumstances determine the existence of the other function of the law enforcement process (elimination of obstacles to the realization of subjective rights and the commitment to renewal of violated state)⁹.

Thus, the aforesaid shows that the *law enforcement is a step in the stage of the law enforcement of the legal regulation of social relations.*

The realization of subjective civil rights and legal obligations in private legal relations can be ensured by the presence of a government body that has the appropriate competence and authority, but mostly it happens in its absence. This thesis also strengthens the position of the author, that the law enforcement stage is not an independent stage of legal regulation of social relations, but is a part of the law realization stage or another stage of the legal regulation within which the set legal result of activity of participants of civil legal relations is achieved (right protection stage).

4. LAW ENFORCEMENT AS A FORM (STAGE) OF LAW REALIZATION IN THE PROCESS OF CIVIL-LAW RELATIONS LEGAL

Law enforcement as a form (stage) of law realization in the process of civil-law relations legal regulation specifies the stage of law realization through public-law character of relations. As the argument in favor of the foregoing the following shall serve as an argument:

a) in the course of law enforcement the existing civil-law relations are complicated by emersion of a separate entity (governmental authority or local authority) not being a participant of legal relations in dispute and without being able to influence on their validity and results;

⁹ GORSHENEV, V.M., *Methods and Organization Forms of Legal Regulation in Socialist Society*, Moscow, 1972, p. 167.

б) such entity and participants of civil-law relations have different level of legal activity. Activity of participant of civil-law relations is directed at achievement of specified by them legal result at the same time the activity of public authority regulates these relations without influence on participants' will;

в) civil-law relations requiring the appropriate regulatory public interference act as a legal reason for rising of appropriate administrative legal relations in sphere of administration. They are considered to be derivative of civil but abstract of the latter. The abstractedness of such administrative legal relations shall be explained by the acceptance of individual legal act by the governing authority the substantial result of which does not depend on the influence thereon on the part of participants of such appropriate civil-law relations.

Within the above administrative legal relations the determination of actual and judicial circumstances, acceptance of administrative decision having private character, its procedural realization¹⁰ take place. Acceptance of such individual legal act in the course of law enforcement shall be deemed as regulative judicial fact providing further development of civil-law relations generated derivatives (administrative).

The reverse process although is possible. Specifically, the acceptance of a court ruling on declaration of title for one person shall deprive the other of his/her proprietary rights. In this regard the legal regulation of proprietary civil-law relations with respect to such party shall be terminated under the influence of law enforcement act. In this context law-enforcement activity of Ukrainian governmental authority is stipulated by other proprietary civil-law relations, participant's rights within which they were violated, what led to application of such type of law enforcement. Law enforcement in this case may be considered as a stage of law realization phase as it does not carry any appropriate methodological basis directed at the adjustment and realization of civil-law relations.

The character of such law enforcement is connected with violation of other legal relations. *Law enforcement will achieve an appropriate legal load within the other phase of legal regulation for civil-law relations – protection of rights phase the stage of which it becomes.* Violated civil-law relations generate court law enforcement activity. The acceptance of a court ruling adjusts the goal of legal regulation for civil-law relations having been distorted on the realization phase renew subjective civil rights ensures security of person's legal interest.

¹⁰ NEDBAYLO, P.Ye. and GORSHENEV, V.M., *Judicial Procedural Form: Theory and Practice*, Moscow, 1976, p. 19.

Furthermore, the similar situation may appear under acceptance by specific public legal entities (Antitrust Panel of Ukraine) of individual legal acts on extinction of unfair competition, official denial due to the offender distributing false, inaccurate or incomplete data, etc. (sect. 30 of Ukrainian Act on Protection against Unfair Competition)¹¹. In the result of acceptance of individual legal act the following realization of civil-law relation is not provided, as a positive law enforcement activity of Antitrust Panel of Ukraine is not stipulated by them. Protection of other civil-law relations requiring law enforcement activity from the appropriate authority takes place.

As a result law enforcement in legal regulation of civil-law relations is considered to be a public activity of Ukrainian governmental authority, its officers, directed at realization of its competence in an appropriate procedural form on adjustment of civil-law relations to ensure their stability and productivity.

In other words, law enforcement as a stage of law realization phase of civil-law relations is considered to be a demonstration of public acknowledgement of their private consequences. The quoted activity of governmental authority is considered to be obligatory as supporting means for objective fulfillment in regulation of civil-law relations specified by the parties on the phase of legal designation. In such case satisfaction of interest within society or of a participant of such civil-law relations shall be provided through voluntary legal acts of authority, agencies or public officers.

5. CHARACTERISTICS OF UKRAINIAN LEGISLATION IN THE FIELD OF LEGAL SUPPORT

Specifically, according to sec. 26–27 of Ukrainian Act on Protection of Commercial Competition the participants of coordinated actions, concentration participants address in the course of realization s of certain civil-law relations to Antitrust Panel of Ukraine or to its territorial divisions in order to receive an individual legal act in the course of law enforcement. Antitrust Panel authority makes according to the results of consideration of appropriate applications decisions whereby the following realization of specific civil-law relations is adjusted¹².

Similar by character law enforcement activity by governmental authority due to which state registration of title to real estate is performed, encumbrance initiation under mortgage agreement or state registration of public domain or community land-plot

¹¹ Protection against Unfair Competition: Ukrainian Act dd. June 7, 1996. No. 236/96. Available at: <http://pravoved.in.ua/section-law/208-zuozonk.html> [Consultation: 31 July 2017].

¹² On Protection of Commercial Competition: Ukrainian Act dd. January 11, 2001. No.2210-III. Available at: <http://zakon0.rada.gov.ua/laws/show/2210-14> [Consultation: 28 July 2017].

lease agreements, etc. According to secs. 3–4 of Ukrainian Act on State Registration of Title to Real Estate and its Encumbrance as amended by an Act No. 834-VIII dd. November 26, 2015 to ensure state's objectivity, authenticity and completeness of data on registered title to real estate and its encumbrances in the course of realization of civil-law relations derivative rights of title, title to construction objects in progress, as well as state registration of restraint on real estate alienation and other encumbrances. According to the results of law enforcement activity carried by governmental authority in the context of civil-law relations realization the acceptance of individual legal act and issue of an appropriate procedural decision in sphere of state registration of title is performed¹³.

Force of law in the course of legal regulation of public relations is ensured by an appropriate mechanism. Such mechanism of legal regulation provides social bonds motion in society. On S. Alekseev's opinion the author divides, the category «mechanism of legal regulation» exists in legal theory for demonstration of performance moment and legal form functioning¹⁴.

Endorsing views of O. Skakun we shall mention that, *the mechanism of legal regulation shall be understood as a system of legal means, methods and forms with the help of which standardization of law transforms into sequence of public relations, interests of legal entities are satisfied, public order is set and ensured*¹⁵.

Consequently, the mechanism of legal regulation consists of separate integral parts providing its functionality on each level of law force (phase of legal regulation). Specifically, the mechanism of legal regulation structurally consists of law-making mechanism, rights establishment mechanism, law realization mechanism or rights protection mechanism, etc. Each of them, in their turn, has its components ensuring functioning of civil-law relations within appropriate stage of legal regulation taking into account peculiarities of their realization. Law realization mechanism includes mechanism of legal abidance, mechanism of law use, mechanism of law fulfillment, law enforcement mechanism and mechanism of law termination. Their existence reflects the same socio-legal aspects of objective reality that a mechanism of legal regulation in general but more specific. The common aspect for them is in that they provide

¹³ On amendments in Ukrainian Act on State Registration of Title to Real Estate and its Encumbrance, and some other Ukrainian statutory instruments concerning decentralizing of authorities from state registration of title to real estate and its encumbrance: Ukrainian Act dd. November 26, 2015 No.834-VIII. Available at: <http://zakon0.rada.gov.ua/laws/show/835-19> [Consultation: 19 June 2017].

¹⁴ ALEKSEEV, S.S., *Mechanisms of Legal Regulation in Socialist State*, Moscow, 1966, pp. 30, 34, 93-94

¹⁵ SKAKUN, O.F., *Theory of State and Law*, Kharkiv, 2001, p. 535.

implementation of a context of legal regulatory authority (legal standard, civil contract, etc.) in actual behavior of civil-law relation participants.

Mechanism of legal regulation ration with foregoing categories may be represented graphically (Figure 1).

Indicator of purpose for the purpose of legal regulation of civil proprietary relations is functioning of the appropriate mechanism of legal regulation ant its logical completion in form of consequences within of respective stage of legal regulation.

6. EFFECTIVENESS AND FUTILITY OF THE LAW ENFORCEMENT MECHANISM

The evident problem complexity of the law enforcement mechanism as an integral part of the mechanism of law realization for civil-law relations did not obtain a suitable scientific solution in legal sciences. The most elaborations in this topic are dedicated to the general-purpose aspects of legal regulation of public relations or problem of application the administrative and legal norms. At the same time universality of the mechanism of legal regulation category, its generally embracing and inter-industrial character does not allow its consideration exclusively within the researches concerning legal theory and state administration.

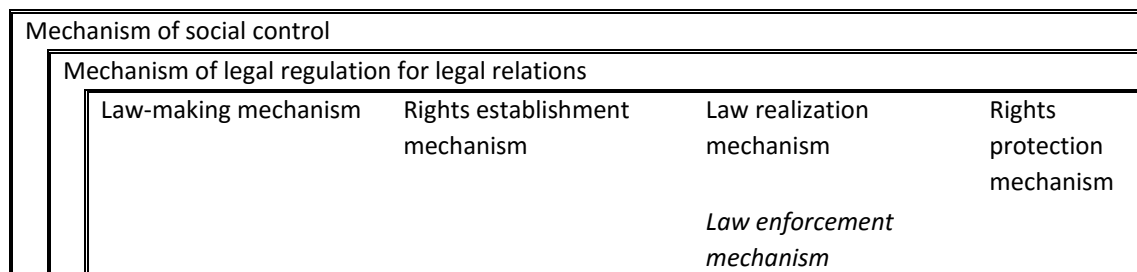


Figure 1. Mechanism of legal regulation ration

The efficiency of the mechanism of legal regulation, in particular, mechanism of law enforcement in composition of civil-law relations is attained through a system cooperation of legal means, methods and form as its components (elements). Revelation of law enforcement mechanism in the course of realization of civil-law relations, determination of its elements shall be set through the structure of law enforcement process displaying common patterns public authority activity.

As a result, the mechanism of law enforcement in private law is a combination of legal measures by means of which public activity of governmental authority is standardized and involving adjustment of civil-law relations in the course of their realization to

ensure effectiveness of the legal regulation, stable development of public society. In addition, complex of such legal measures shall be naturally implemented in the law realization the integral part of which is considered to the mechanism of law enforcement and synchronically directed at its functioning.

As previously stated, law enforcement process includes the following stages: a) determination of facts of the case; b) determination of legal behavioral model for subjects of legal relations, i.e. correlation of real-life situation with a specific legal norm intended to insure its efficiency; c) case solution and acceptance of individual legal act. Consequently, realization of the law enforcement process in Ukrainian Civil Law shall be attained through such elements (legal measures) directly accompanying and providing each of set phases.

Determination of facts of the case requires availability of specific legal relation, in particular civil, detection of substantial characteristics of which is attended on the first stage of law enforcement. Furthermore, law enforcement activity of governmental authority stipulates on its own the availability of legal relations within which such activity is realized. I.e., in such case we can talk about existence of civil-law relations as the subject of law enforcement activity of the state and administrative relations as a sphere of activity of the appropriate authority.

I.e., legal relations are considered to be the element of law enforcement mechanism. The character of such element is specified in law enforcement mechanism by its duplication: 1. Civil-law relations as a subject of law enforcement; 2. Administrative relations as a sphere of law enforcement authority.

Determination of legal behavioral model for subjects of legal relations stipulates research and application of a legal provision by means of which civil-law relations are adjusted and interests of participants thereof are satisfied. In other words, a legal provision shall be included in the law enforcement mechanism.

Legal provision creates possibility of existence of the whole law enforcement mechanism. It is represented in form of a peculiar «nucleus» in the system of public relations, such subsystem relying on which the law transforms the entire relation mass. Provision adjusts governmental authority activity in sphere of law enforcement as well as specifies scope of such activity meeting methodological backgrounds of law enforcement governmental authority. In this aspect a legal provision creates judicial possibility for further development of civil-law relations. It points at those conditions, circumstances (facts) with the availability of which legal relations continue their motion.

7. CONCLUSIONS

In conclusion, case solution and acceptance according to its result of individual legal act creates momentum for further motion of civil-law relations. The foregoing is provided by means of such law enforcement mechanism element as judicial fact. Law enforcement act is considered to be such judicial fact. Administrative enactment is one of the most determinant elements of law enforcement mechanism.

Law enforcement entity selects an ideal alternative for regulative influence on civil-law relations and puts it 'into effect' through such an act. Administrative enactment administers future behavior of civil-law relations participants in phase of law realization of their subjective civil rights and legal obligations. It is considered to be an organizing force to ensure law fulfillment in the course of realization of civil-law relations and is considered to be the judicial fact that influences on future development of legal relations.

Conducted research allows concluding that law enforcement in legal regulation of civil-law relations is the form of provision a stable development of civil-law relations in Ukraine. Their effectiveness is provided by application of a legal provision by the public authority on the stage of law realization of civil-law relations. The effectiveness of such legal influence is achieved due to functioning of law enforcement mechanism as a component of law realization mechanism of civil-law relations. Moreover, efficiency of law enforcement activity by the governmental authority in provision of civil-law relations effectiveness is achieved on the stage of protection of rights, phase including law enforcement as well.

In consideration of the foregoing, the research of interaction of law enforcement mechanism with other single-ordered components within law realization stage as well as determination of application character of legal provisions in case of negative circumstances (disputes about the fact and law, inappropriate fulfillment of civil obligations, delict) in Ukrainian Civil Law, determination of value of such enforcement in civil relations legal regulation is considered to be the way to future scientific best practices.

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