

L. Lichman
Postgraduate Student,
Department of Civil Law and Procedure,
Khmelnyskyi University of Management and Law

SPECIFICATION OF THE MODEL OF “ANTI-PUBLIC” TRANSACTION

“Anti-public” transaction is the subject of research of many scholars. However, the ambiguity of p. 1-2, Art. 228 of the Civil Code of Ukraine determines the divergence of views on matter, essence and even areas where such transactions can be committed.

Thus, the analysis of models of “anti-public” transaction distinguished by scholars, as well as analysis of p. 1, Art. 228 of CC of Ukraine revealed the following model of “anti-public” transaction:

- 1) the object of violation is public order;
- 2) the focus of the transaction on violations specified in p. 1, Art. 228 of the Civil Code of Ukraine as an objective ability to cause some legal consequences (violations).

Thus, “anti-public” transaction is a transaction aimed to violate the state le-

gal regulations, which define the foundations of the form of government, political system and economic security, and infringe on the essential interests of the state and society.

To correct terminology, the author believes that it is appropriate to amend p.1, Art. 228 of the Civil Code of Ukraine as follows: “A transaction shall be considered as such that violates public order where it was aimed at violation of constitutional rights and freedoms of a man and a citizen, destruction, damage of property of a legal person, of the state, the Autonomous Republic of Crimea, territorial community, illegal seizure thereof”.

In addition, it is advisable to amend the definition of transaction in p. 1, Art. 202 of CC of Ukraine, replacing the words “action of a person” with “action of participants in civil relations”.