

A participant that contributed into joint ownership an object defined by personal features shall have the right to claim this object's return to him by the court's procedure in case a simple partnership agreement is terminated, provided the interests of the other participants and creditors are observed.

The participants will bear solidary responsibility under unfulfilled joint obligations to the third persons since the moment of the simple partnership agreement termination.

A participant may announce the refusal from further participation in the termless simple partnership agreement not later than three months prior to its walkout the agreement.

Provision on limitation of the right for refusal a termless simple partnership agreement shall be invalid.

A participant to a simple partnership agreement concluded for a specified term or to an agreement that determines reaching the goal as a liquidation provision will be entitled to claim the agreement breach in the relations with the other participants due to a valid reason and reimbursement to the other participants for the losses incurred by the agreement breach.

If a simple partnership agreement was not terminated upon the participant's application on its refusal from further participation in it or in case of the agreement breach upon one of the participant's demand, the participant whose participation in the agreement is terminated will be liable to the third persons under joint obligations emerged during the term of its participation in a simple partnership agreement as the participant to the agreement.

APPLICATION OF THE LITHUANIAN STATUTES IN UKRAINE

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The formation of an independent Ukrainian state and the formation of a national legal system gave significant impulse to the in-depth and objective study of the history of Ukrainian law. The research of peculiarities of legal regulation of social relations in some regions of Ukraine, historical, political, national, cultural and other factors that they are determined, is of great importance. The scientific analysis of the legal status of Ukrainian lands, particularly in the Grand Duchy of Lithuania, Polish-Lithuanian Commonwealth, and the development of the law in these areas in the second half of XV - first half XVII are of considerable interest in this sense. It contributes to a deeper understanding of state and legal development of the Ukrainian people, the restoration of the system of legal relations that characterize the identity of the legal system of Ukraine, clarifying laws and ensuring the continuity of development of the national law.

As you know, the Lithuanian statutes on the lands of Ukraine were not only during the period of their stay in the Grand Duchy of Lithuania and Polish-Lithuanian

Commonwealth, but in the Cossack Hetman state (Hetmanate), and then, after its abolition, continued effect on the attached Ukrainian lands within the Russian Empire to the 1840-1842 years. The Cossack Hetman state with all its attributes was formed during 1648-1654, and thus it was carried out the codification of Ukrainian law, which became the result of making the Code - "Rights, which is suing on the Little Russian people" in 1743. The basis of the codification of law was the Ukrainian Hetman customary law, Magdeburg Law and the Lithuanian Statute of 1588. Therefore the analysis of features of formation and functioning of law in the Ukrainian lands by the Lithuanian Statutes of the Grand Duchy of Lithuania and Polish-Lithuanian Commonwealth became the subject of our special historical and legal research. In this work we aim to fill existing gaps in the present historical and legal science.

The purpose of the study is to identify regularities and characteristics of the formation and development of the law in Ukrainian lands on the basis of system analysis of rules of the Lithuanian statutes, archival sources, litigation, historical legal and historical literature.

The Lithuanian statutes, adopted in the XVI century, defined the basis for regulating legal relations in the Ukrainian lands up to 40 years of the nineteenth century. The legal validity of the First Lithuanian Statute was the least long in the Ukrainian lands among these normative and legal acts. In 1544 the question of its revision was raised at the meeting of the Diet, and in 1566 the Second Lithuanian Statute was adopted [4, c. 73]. It automatically suspended legal action of the First Lithuanian Statute in the Ukrainian lands. Consequently, its validity lasted 37 years, during which an essential public-legal evolution was carried out.

The Second Lithuanian Statute of 1566 was passed after a long political confrontation of magnates and gentry of the Grand Duchy of Lithuania, recorded the rise of the gentry. This legal act was in force for a short time actually on the Lithuanian and Belarusian lands — from 1566 to 1588. Ukrainian lands were the basic territorial space of its use and legal actions, that's why the language of its writing was more Ukrainian than the language of the First Lithuanian Statute [5, c. 1].

Great importance was attached to the study of interference of Magdeburg Law and the Lithuanian Statute. M. Vladymyrsky-Budanov, M. Dovnar-Zapolsky, F. Taranovskyy, W. Antonovich, A. Kistyakovskyy studied Magdeburg Law in cities of the Great Duchy of Lithuania, including those which were located on Ukrainian territory. There was no consensus among researchers about the level of application, character, expression characteristics, operation of Magdeburg Law in Ukrainian lands. V. Antonovich, M. Vladymyrsky-Budanov believed that the Magdeburg rights adversely affected the development of Ukrainian lands, artificially giving them alien to the spirit and content of the right, and M. Dovnar-Zapolsky recognized this positive effect.

According to the Ukrainian historian V. Antonovich, from Magdeburg Law in the Ukrainian lands was taken only shape but the Ukrainian custom remained the leading legal norm. [1] M. Vladymyrsky-Budanov disagreed with V. Antonovich and claimed that the Ukrainian cities that had Magdeburg Law, were just foreign sources,

in other words German law completely replaced the local one[5]. Trying to reconcile these diametrical views O. Kistyakivsky said: Magdeburg Law in Ukrainian cities was not rated but current, that it functioned because of using of hand books of private codifications of Polish lawyers by court, but it could range from local customs that are often operated close to it and which modified it. This assertion is supported by F. Taranovsky [6].

Even modern scholars do not have a unified position on how long the Second Lithuanian Statute of 1566 in Ukrainian lands acted. According to the Union of Lublin in 1569, for which Polish-Lithuanian Commonwealth was formed, Kyiv, Volyn and Bratslav province moved to three ethnic Ukrainian regions, where there is a legal action of the Second Lithuanian Statute. It was called "Volyn" due to prolonged use of the legal act on Ukrainian lands.

Cancellation of validity of the Second Lithuanian Statute in Right-Bank Ukraine was the result of Russian government policy aimed at Russification and complete destruction of local customs and also former links with Polish-Lithuanian Commonwealth. As you know, its main implementer was Kyiv military, Podolsk and Volyn Governor-General D. Bibikov appointed to this position in 1838. Therefore the well-known Ukrainian historian of law M. Vasilenko called him the main initiator of the abolition of the legal action of the Second Lithuanian Statute on Ukrainian lands [3, c. 286].

The final hearing of the cancellation of the Lithuanian Statute was held on June, 21 in 1840 by the Committee of western provinces. The decisive moment in long discussions was the support of Kyiv Governor-General D. Bibikov by Minister of Justice of the Russian Empire [3, c.301].

Thus, the Russian Empire ceased validity of the Second Lithuanian Statute on Ukrainian lands, guided primarily by political motives. The Second Lithuanian Statute acted on Ukrainian lands for 274 years, greatly influenced the development of Ukrainian legal culture, as its main source was Rus'ka Pravda (old Ukrainian codification of Kievan Rus) and study of its use is of considerable interest to confirm continuity and succession in the history of Ukrainian law.

After the Union of Lublin in 1569 Polish magnates and nobility require the revision of articles of the Lithuanian Statute of 1566, as they reflected the political independence of the Lithuanian state. As already noted, in 1588 King Sigismund III approved the Third ("New") Lithuanian Statute that finally enslaved peasantry. This Lithuanian Statute acted on Ukrainian lands up to 1840, particularly in Kiev, Podolsk and Volyn provinces. The so-called seimas constitutions supplanted it, and those rules of the Lithuanian Statute, which were important for ensuring the feudal system, Russian tsarist confirmed by special decrees. Thus, in early nineteenth century the right of landowners to unlimited disposal of land and serfs was confirmed in the field of civil law, the prohibition to sell estates by public auction for debts was witnessed. Instead, according to the Lithuanian Statute, "transfer by tradition" was used. It was confirmed by the Lithuanian Statute established forms of transfer of ownership as well as most norms of the statute during considering claims and bills of marriage between persons of different faiths [4].

The Third Lithuanian Statute acted on Ukrainian lands mainly in two editions - of 1588, the so-called Mamonichny edition, in which the basic principles of ancient law were mostly kept (Rus'ka Pravda), and that one of 1614 which appeared as a result of the translation of Mamonichny edition in Polish. In 1811 this edition was translated into Russian. Subsequently, there were translations and editions in French and Latin. The most common in the Ukrainian lands was the publication of 1614 in Polish and its translation into Russian in 1811.

From the legal and formal terms the Third Lithuanian Statute was never in force in Right-bank Ukrainian lands. But its active application area was Left-bank Ukraine.

To sum up, we should emphasize that the Lithuanian statutes had all features of a legal act - internal unity, coherence of legal rules and clear structure. This in turn confirms the formation of legal system due to the Roman-Germanic type of legal system on the Ukrainian lands. These legal acts have been in force for more than three centuries. Despite major changes in legal, the Lithuanian statutes were effective source of law. Stability, required at the time of state legal changes, long wars and other events, was ensured as a result of certain efficiency. Thus, the practice of Lithuanian statutes in Ukrainian lands confirmed that a high level of legal technique is a legitimate prerequisite for stability and positive qualitative changes in all spheres of public life.

It is proved that the Lithuanian Statutes distinguished by sufficiently high level of legal technology. However some differences, contradictions impropriety are observed. All that proves the formation of the legal system of Ukrainian lands in the study period.

This historical and legal research suggests that, despite the need for the orientation of modern legislation on international legal standards, it is important to take into account the historical national experience of the development of Ukrainian legislation.

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