

UDK 336.71:343.3:346.6

Kantsir V.

*Doctor of Law, Professor,
Professor of the Department of Criminal Law and Procedure,
Lviv Polytechnic National University, Ukraine;
e-mail: kancir_01@ukr.net; ORCID ID: 0000-0002-3689-4697*

Kushpit V.

*Ph. D. in law,
Associate Professor of the Department of Criminal Law and Procedure,
Lviv Polytechnic National University, Ukraine;
e-mail: volodymyrk12@gmail.com; ORCID ID: 0000-0002-1664-6696*

Palyukh A.

*Ph. D. in Law,
Assistant of the Department of Criminal Law and Procedure,
Lviv Polytechnic National University, Ukraine;
e-mail: ai.palyukh@gmail.com; ORCID ID: 0000-0001-7413-6662*

Tslyiuryk I.

*Ph. D. in Law,
Assistant of the Department of Criminal Law and Procedure,
Lviv Polytechnic National University, Ukraine;
e-mail: inna_tslyiuryk@ukr.net, ORCID ID: 0000-0002-4776-2278*

Kantsir I.

*Ph. D. in Economics,
Associate Professor of Theoretical and Applied Economics,
Lviv Polytechnic National University, Ukraine;
e-mail: kanthir_02@ukr.net; ORCID ID: 0000-0002-1259-0381*

SYNCHRONIZATION OF PROCEDURAL AND FINANCIAL (BANKING) FUSE OF THE IMMUNITY OF PROPERTY RIGHTS

Abstract. The article is devoted to analysis of the effectiveness of the main procedural legal and financial (banking) mechanisms designed to ensure the protection of property rights' immunity. The legally regulated procedures of such protection are analyzed on platforms — both procedural and legal as well as financial and economic. There is no doubt that only in a state where the immunity of property is declared and guaranteed to the person can be provided the development of economic, intellectual, socially oriented activities. The effect of the principle of immunity of property rights is not absolute, but its restrictions are possible only on the grounds and in the manner prescribed by law.

The topicality of the inviolability of property rights is due to the role of law as a platform for citizens' property independence and their participation in the processes of social reproduction. The guarantee of property independence is the right of ownership of property and non-property rights, which is realized by giving a person the right to freely, unimpededly, and fully exercise the rights of the owner of personal property. The compliance of the inviolability of property rights during criminal proceedings is not properly ensured in the current CPC (The Criminal Procedure Code) of Ukraine; in particular, the movement of confiscated property is not regulated, which questions the novelty of inviolability. To improve the procedure for the protection of property rights, this is necessary to regulate at the legislative level the mechanism of protection and restoration of property rights of persons victimized by criminal offenses.

The etymology of «inviolability» guarantees by law the protection of the status of the person from any encroachment. Inviolability in the economic and legal context is mainly understood as a person's legal status, which is an unalterable guarantee against unauthorized restrictions by the state institutions — law enforcement, financial, court, and individuals and legal entities.

An attempt is made to accumulate most of the latest achievements (both legislative, theoretically investigative and applied) on the issues of legal regulation of the studied financial and legal relations, based on which scientific views are substantiated, and proposals are developed to improve regulations in this area.

The main vectors of economic and legal mechanisms for the protection of the inviolability of property rights, which would correlate with generally accepted European and world standards, have been identified.

Keywords: the inviolability of property rights, property rights, principles of proceedings, judicial protection, seizure of property, financial guarantee, financial risks.

JEL Classification G28, K14

Formulas: 0; fig.: 0; tabl.: 0; bibl.: 12.

Канцір В. С.

*доктор юридичних наук, професор,
професор кафедри кримінального права і процесу
Національного університету «Львівська політехніка», Україна;
e-mail: kancir_01@ukr.net; ORCID ID: 0000-0002-3689-4697*

Кушніт В. П.

*кандидат юридичних наук, доцент,
доцент кафедри кримінального права і процесу
Національного університету «Львівська політехніка», Україна;
e-mail: volodymyrk12@gmail.com; ORCID ID: 0000-0002-1664-6696*

Палюх А. І.

*кандидат юридичних наук, асистент кафедри кримінального права і процесу
Національного університету «Львівська політехніка», Україна;
e-mail: ai.palyukh@gmail.com; ORCID ID: 0000-0001-7413-6662*

Циліорик І. І.

*кандидат юридичних наук,
асистент кафедри кримінального права і процесу
Національного університету «Львівська політехніка», Україна;
e-mail: inna_tsyliuryk@ukr.net; ORCID ID: 0000-0002-4776-2278*

Канцір І. А.

*кандидат економічних наук,
доцент кафедри теоретичної та прикладної економіки
Національного університету «Львівська політехніка», Україна;
e-mail: kanthir_02@ukr.net; ORCID ID: 0000-0002-1259-0381*

СИНХРОНІЗАЦІЯ ПРОЦЕСУАЛЬНИХ І ФІНАНСОВИХ (БАНКІВСЬКИХ) ЗАПОБІЖНИКІВ НЕДОТОРКАНОСТІ ПРАВА ВЛАСНОСТІ

Анотація. Присвячено аналізу дієвості основних процесуальних правових і фінансових (банківських) механізмів, які покликані забезпечити протекцію недоторканності права власності. Проаналізовано законодавчо регламентовані процедури такого захисту на платформах як процесуальних правових, так і фінансово-економічних. Беззаперечним є положення про те, що тільки в державі, де недоторканність власності не тільки декларується, а й гарантована особі, можуть бути забезпечені вільний розвиток економічної, інтелектуальної, соціально орієнтованої діяльності. Дія засади недоторканності права власності не є абсолютною, однак її обмеження можливі лише на підставах і в порядку, передбачених законом.

Актуальність питання недоторканності права власності обумовлено роллю права як платформи майнової незалежності громадян та їхньої участі у процесах суспільного відтворення. Гарантією майнової незалежності виступає право власності особи на майнові і немайнові права, яке реалізується шляхом надання особі права вільно, безперешкодно та в повному обсязі реалізувати правомочності власника щодо особистого майна. Дотримання

недоторканності права власності під час кримінального процесу в чинному КПК України не забезпечено належним чином, зокрема не регламентовано рух вилученого майна, що ставить під сумнів новелу недоторканності. Для удосконалення порядку захисту майнових прав потрібно на законодавчому рівні регламентувати механізм захисту і відновлення майнових прав осіб, потерпілих від кримінальних правопорушень.

Етимологія «недоторканність» полягає у гарантуванні законом охорони статусу особи від будь-яких посягань. Під недоторканністю в економіко-правовому контексті переважно розуміють такий правовий статус особи, який є безальтернативною гарантією від несанкціонованих законом обмежень як з боку держави інституцій – правоохоронних, фінансових, суду, так і окремих фізичних та юридичних осіб.

Зроблено спробу акумулювати більшість новітніх здобутків (як законодавчих, теоретико-дослідницьких, так і прикладних) щодо проблематики правового регулювання досліджуваних фінансово-правових відносин, на основі чого обґрунтовано наукові бачення і розроблено пропозиції щодо вдосконалення регламентації в цій сфері.

Визначено основні вектори економіко-правових механізмів захисту недоторканності права власності, які б корелювалися із загальноприйнятими європейськими і світовими стандартами.

Ключові слова: недоторканність права власності, майнові права, засади провадження, судовий захист, арешт майна, фінансова гарантія, фінансові ризики.

Формул: 0; рис.: 0; табл.: 0; бібл.: 12.

Introduction. The topicality of the inviolability of property rights is due to the role of law as a platform for citizens' property independence and their participation in the processes of social reproduction. The guarantee of property independence is the right of ownership of property and non-property rights, which is realized by giving a person the right to freely, unimpededly, and fully exercise the rights of the owner of personal property. The compliance of the inviolability of property rights during criminal proceedings is not properly ensured in the current CPC (The Criminal Procedure Code) of Ukraine; in particular, the movement of confiscated property is not regulated, which questions the novelty of inviolability. To improve the procedure for the protection of property rights, this is necessary to regulate at the legislative level the mechanism of protection and restoration of property rights of persons victimized by criminal offenses, real provision of bank secrecy, the correctness of financial monitoring, etc.

Research analysis and problem statement. Some particular issues of the institute of procedural and financial (banking) ensuring the inviolability of property rights in the administration of justice have been the subject of research by many scholars (both domestic and foreign scientists), in particular: Y. Alenin, O. Baranovsky, N. Bondarenko, O. Vovchak, Y. Groshevoy, O. Kaplin, E. Kovalenko, A. Kochura, O. Kuchinskaya, V. Malyarenko, O. Mykhailenko, M. Mykheenko, S. Naumenkova, V. Nor, V. Tertyshnyk, L. Udalova, V. Shibiko, O. Shilo, M. Shumylo and others.

However, the mentioned studies do not cover the whole range of problems of ensuring the inviolability of property rights, especially in the context of a combination of not only procedural but also financial and economic factors, which remain relevant today.

Methodology and research methods. The article is based on general and special methods of scientific knowledge. Based on the general scientific dialectical approach, the institute's social and legal nature of the property right's inviolability is considered. With the help of a formal-legal analysis of the current legislation, the content was clarified, and the existing shortcomings of the legal regulation were revealed; the systemic functional method was used to study the main aspects of the legal regulation of ensuring the inviolability of property rights; formal-logical — to identify the features of legal regulation; special-legal (comparative-legal) — used in clarifying the common and distinctive features of the legal regulation of ensuring the inviolability of property rights and seizure of property; method of legal interpretation, technical and legal analysis — in the interpretation of the provisions of legal norms, disclosure of the content of concepts that allowed to identify certain gaps in the legal regulation of the studied relations and institutions.

The purpose of the article is to examine certain aspects of the effectiveness, the efficiency of procedural and financial (banking) safeguards to prevent the violation of property rights' inviolability during the proceedings, administration of justice, or their [violations] minimization.

Results of the research. Today, a significant part of active banking operations is related to credit operations, which requires increased attention to protecting the rights of participants in financial and credit relations.

Ensuring the protection of human rights and freedoms means carrying out procedural and banking activities in such an order, form, and mode in which interference with legally guaranteed human rights and freedoms would not take place or would be carried out only in cases provided by law, in cases of extreme necessity, when other ways to solve the problem of justice are not possible [1, p. 73—76]. These tasks, of course, include ensuring the protection of property rights.

According to the European Court of Human Rights, the term «property» is interpreted in cases such as «Marx v. Belgium»; «Former King of Greece and Others v. Greece», «Sporrong and Lönnrot v. Sweden»; «Melacher and Others v. Austria»; «Novoseletsky v. Ukraine»; «Haiduk and others against Ukraine»; Mueller v. Austria; «Greek Refineries of the Countries and Stratis Andreadis v. Greece»; «Burdov v. Russia»; «Press Company Naviera SA and others against Belgium»; «Pine Valley Development Co.», «Ltd. and others v. Ireland» «Beeler v. Italy»; «Sovtransavto-Holding v. Ukraine»; «Van Marle and others v. The Netherlands»; «Tre Tractor Aktibolag v. Sweden». In view of the above decisions, the term «property» should be understood as any assets, tangible or intangible, movable or immovable, expressed in things or in rights, as well as legal documents or acts confirming the right to such assets or interest in them [2, p. 554].

It is worth paying attention to how the concepts of «ownership», «property», and «property rights» are correlated in their semantics. Protocol № 11 to the Convention amended Article 1 of the Protocol, entitled «protection of property». It should be noted that the ECtHR in its decisions constantly reiterates that «property» in the sense of the Convention and its Protocol is an autonomous phenomenon that is in no way related to its national understanding and has an interpretation independent of national [3, p. 371—374].

Private property is a platform for the personal freedom of a citizen. The Constitution of Ukraine enshrines the regulation of property relations by defining the objects and subjects of property rights (Articles 13, 41, 142, 143); ensuring equality of subjects of property rights (Article 13); guaranteeing the right of ownership, rights, and obligations of property owners (Articles 13, 41); regulation of the legal regime of ownership should be determined exclusively by the laws of Ukraine (paragraph 7, part 1 of Article 92). Article 41 of the Constitution of Ukraine regulates the inviolability of property rights.

Thus, based on the basic principles of the constitutional provision of property rights, no one can illegally deprive a person of the right to own, use or dispose of a thing because most often, real estate acts as collateral in credit transactions.

The principle of guaranteeing the inviolability of property rights is introduced in the Criminal Procedure Code of Ukraine, particularly in Article 16, which stipulates that deprivation or restriction of property rights in criminal proceedings is carried out only based on a reasoned court decision.

Thus, property rights' inviolability is proposed to mean the inadmissibility of unlawful and illegal interference, restriction, or deprivation of a person's right to own, use, and dispose of the property freely.

Equally important in the context of the analyzed fuses are financial ones, as the value of personal inviolability, freedom of expression, and property rights protection is based on a legal platform, but not only in the format of legal guarantees. The institution of «guarantees» is enshrined in law, but the interpretation is transformed in accordance with the scope of the provision, application.

In a broad sense, a guarantee is a specific means of ensuring the fulfillment of economic obligations by written confirmation (letter of guarantee) by a bank, other credit institution, insurance company (bank guarantee) to satisfy the claims of the entitled party in the amount

specified in written confirmation, if a third party (obligated party) fails to fulfill a certain obligation specified in it, or other conditions provided for in the relevant confirmation will occur (Article 200 of the Commercial Code of Ukraine) [5].

Article 560 of the Civil Code of Ukraine, under guarantee, interprets the instrument by which a bank, other financial institution, insurance company (guarantor) guarantees to the creditor (beneficiary) the debtor (principal) to fulfill its obligation [6].

Guarantees are an obligatory tripartite agreement between the lender, the borrower, and the guarantor.

Guarantee is a way to ensure the fulfillment of obligations, according to which the guarantor bank undertakes a monetary obligation to the beneficiary to pay in the case of a guaranteed event. The guarantor bank's obligation to the beneficiary does not depend on the basic relations provided by such a guarantee (their termination or invalidity), particularly when the reference to such basic relations is directly contained in the text of the guarantee [7].

The current legislation of Ukraine does not clearly regulate the mechanism of recovery of the mortgaged property, thus setting a precedent for a double interpretation of the protection of property rights of both the creditor and the lender. In particular, the use of collection services in the practice of foreclosure is often outside the legal field, which violates all guarantees of consumer protection, minimizes the principle of transparency of the financial services market.

The amendments to the current legislation provide a double interpretation of the category «consumer» in the context of providing guarantees. In particular, the Law of Ukraine «On Consumer Protection» [8] defines a consumer as an individual who purchases, orders, uses, or intends to purchase or order products for personal needs not directly related to business activities or obligations. Languages of the employee. At that time, the Law of Ukraine «On Consumer Lending» [9] interprets the definition of «consumer» as an individual who has entered into or intends to enter into a consumer credit agreement. A common feature is the non-profit nature of the loan transaction. However, none of these regulations contains an article on consumer protection that needs to be revised.

In contrast to the world legislative practice in financial relations, Ukrainian legislation is mainly on the side of the lender, while the protection of the rights of consumers of financial and credit services remains insufficiently regulated. In most states, it is practiced involving a financial ombudsman to protect consumers' rights of financial services.

The UN Guiding Principles on Consumer Protection of April 9, 1985, define consumers as the weakest, most vulnerable party in their dealings with business professionals who do not always have the appropriate qualifications and ability to protect their interests and rights. That is why in Western European legal systems, the main purpose of regulating consumer lending legislation is to balance the negotiating positions of the parties to the contract, creating a balance of interests of the weaker party — the consumer and the economically stronger party — the lender, by introducing special tools and mechanisms to protect the rights and interests of the weaker parties of the consumer loan agreement — the consumer [10, p. 143].

Protection of the rights of consumers of financial services, in accordance with the requirements of the Law of Ukraine «On Financial Services and State Regulation of Financial Services Markets» [11] is based on the following principles:

- 1) ensuring a responsible attitude to all categories of consumers of financial services;
- 2) ensuring the timely provision of complete, accurate, and reliable information on financial services, business entities that provide financial services, and their financial condition;
- 3) promoting educational work to ensure that consumers of financial services are well-informed, gain skills, knowledge, and confidence in understanding the risks, responsibilities, and opportunities associated with the use of financial services;
- 4) ensuring responsible business behavior of persons providing financial services and their authorized representatives (persons providing intermediary services in the financial services markets);
- 5) ensuring the protection of funds and other assets of consumers of financial services from fraud and abuse;

- 6) ensuring the protection of personal data of consumers of financial services;
- 7) creation and implementation of a mechanism for pre-trial settlement of disputes concerning the provision of financial services;
- 8) promoting competition in the provision of financial services.

In our opinion, this list is not exhaustive because it does not touch on the protection of consumer property because, in financial and credit transactions, the objects of the contract are certain assets in tangible or intangible form, the generic feature of which is ownership.

The fact that the legislator has introduced an exclusive list of property that can be seized (Article 170 of the CPC of Ukraine) or forcibly confiscated can also be considered a guarantee of protection of property owners' rights.

In our opinion, the basic guarantee of property rights is the property owner's right to apply to the investigating judge with a request to lift the seizure of property, in case such a decision is made in the absence of the legal owner and the investigator's decision is appealed. The introduction of such a protection mechanism complies with international standards to ensure the protection of the rights of lawful owners of seized property. Thus, Article 174 of the CPC of Ukraine regulated the grounds for revoking property seizure, which are exclusive and guarantee persons' possibility to apply to the investigating judge and the court [12, p. 143].

Criminal procedure legislation outlines ways to restrict property rights:

- 1) temporary access with removal;
- 2) temporary seizure;
- 3) search;
- 4) seizure of property;
- 5) voluntary provision of property or documents in paper or electronic form.

Thus, the main aspects of legal regulation of protection of the inviolability of property rights of participants in financial and credit relations are:

- guarantee of property rights at the level of the Basic Law — the Constitution and the CPC of Ukraine;
- separation as part of the ownership of certain powers of possession, use, disposal;
- balance of private and public interests, as an unalterable component of the protection of property rights in financial transactions;
- formation of principles of integrity of participants of financial and credit relations;
- substantiation of the method of seizure of property;
- framing of property rights without alternatives on legal platforms.

Conclusions. The institution of the property occupies a special place in the public consciousness because it is one of the fundamental human rights enshrined in the Constitution of Ukraine. Protection of property rights is a priority of state policy at all levels of its implementation, especially on the platform of procedural (judicial) protection, as well as a mediator for the action of banking and financial filters.

Non-exclusion of the jurisdiction from the subjective right of ownership is more reasonable because any restrictions create additional framework obstacles to the implementation of competencies that act as components of property rights. Observance of the inviolability of the property right during the involvement of collectors, conducting, investigative (search) actions in the current CPC of Ukraine is not properly ensured. There is no clear regulation of the movement of confiscated property (property to be confiscated), which questions the novella of inviolability, and therefore requires further scientific and applied investigations and surveys.

Література

1. Тертышник В., Щерба С. Концептуальная модель системы принципов уголовного процесса в свете сравнительного правоведения. *Уголовное право*. 2001. № 4. С. 73—76.
2. Збірник міжнародних договорів України про правову допомогу у кримінальних справах. Багатосторонні договори. Київ : Фенікс, 2016. 242 с.
3. Мірошніченко О. А. Право власності у розумінні Європейського суду з прав людини (загальна характеристика). *Форум права*. 2013. № 2. URL : http://nbuv.gov.ua/UJRN/FP_index.htm_2013_2_57 (дата звернення: 02.10.2020).
4. Кримінальний процесуальний кодекс : Закон України від 13.04.2012 № 4651-VI. *Відомості Верховної Ради України*. 2013. № 9—10, 11—12, 13. URL : <https://zakon.rada.gov.ua/laws/show/4651-17> (дата звернення: 25.09.2020).

5. Господарський кодекс України : Закон України від 13.04.2012 № 436-IV. *Відомості Верховної Ради України*. 2003. № 18, 19—20, 21—22. URL : <https://zakon.rada.gov.ua/laws/show/436-15> (дата звернення: 20.10.2020).
6. Цивільний кодекс : Закон України від 16.01.2003 № 435-IV. *Відомості Верховної Ради України*. 2003. № 40—44. URL : <https://zakon.rada.gov.ua/laws/show/435-15> (дата звернення: 20.10.2020).
7. Про затвердження Положення про порядок здійснення банками операцій за гарантіями в національній та іноземних валютах : Постанова Правління Національного банку України від 15.12.2004 № 639. *Законодавство України*. URL : <https://zakon.rada.gov.ua/laws/show/z0041-05> (дата звернення: 23.09.2020).
8. Про захист прав споживачів : Закон України від 12.05.1991 № 1023-XII. *Відомості Верховної Ради УРСР*. 1991. № 30. URL : <https://zakon.rada.gov.ua/laws/show/1023-12> (дата звернення: 18.10.2020).
9. Про споживче кредитування : Закон України від 15.11.2016 № 1734-VIII. *Відомості Верховної Ради України*. 2017. № 1. URL : <https://zakon.rada.gov.ua/laws/show/1734-19> (дата звернення: 10.08.2020).
10. Муляр М. С. Правовий статус споживача за договором споживчого кредиту в контексті новел Закону України «Про споживче кредитування». *Часопис Київського університету права*. 2017. № 2. С. 141—145. URL : <https://cutt.ly/dgcNjK> (дата звернення : 18.09.2020).
11. Про фінансові послуги та державне регулювання ринків фінансових послуг : Закон України від 12.07.2001 № 2664-III. *Відомості Верховної Ради України*. 2002. № 1. URL : <https://zakon.rada.gov.ua/laws/show/2664-14> (дата звернення : 18.10.2020).
12. Симоненко З. В. Гарантії захисту права власності при накладенні арешту на майно у кримінальному провадженні. *Вісник кримінального судочинства*. 2016. № 1. С. 140—145.
Статтю рекомендовано до друку 15.02.2021 © Канцір В. С., Кушніт В. П., Палюх А. І., Циліурик І. І., Канцір І. А.

References

1. Tertyshnik, V., & Shcherba, S. (2001). Konceptual'naya model' sistemy principov ugovnogo processa v svete sravnitel'nogo pravovedeniya [Conceptual model of the system of principles of criminal procedure in the light of comparative jurisprudence]. *Ugolovnoe pravo — Criminal Law*, 4, 73—76 [in Russian].
2. *Zbirnyk mizhnarodnykh dohovoriv Ukrainy pro pravovu dopomohu u kryminalnykh spravakh. Bahatoronni dohovory. [Collection of international agreements of Ukraine on legal assistance in criminal cases. Multilateral agreements]*. (2016). Kyiv: Feniks [in Ukrainian].
3. Miroshnychenko, O. A. (2013). Pravo vlasnosti u rozuminni Yevropeiskoho sudu z prav liudyny (zahalna kharakterystyka) [Property rights within the meaning of the European Court of Human Rights (general characteristics)]. *Forum prava — Law Forum*, 2. Retrieved October 2, 2020, from http://nbuv.gov.ua/UJRN/FP_index.htm_2013_2_57 [in Ukrainian].
4. Verkhovna Rada Ukrainy. (2013). Kryminalnyi protsesualnyi kodeks: Zakon Ukrainy vid 13.04.2012 № 4651-VI [Criminal Procedure Code: Law of Ukraine of 13.04.2012 № 4651-VI]. *Vidomosti Verkhovnoi rady Ukrainy — Bulletin of the Verkhovna Rada of Ukraine*, 9—10, 11—12, 13. Retrieved September 25, 2020, from <https://zakon.rada.gov.ua/laws/show/4651-17> [in Ukrainian].
5. Verkhovna Rada Ukrainy. (2012). Hospodarskyi kodeks Ukrainy: Zakon Ukrainy vid 13.04.2012 № 436-IV [Economic Code of Ukraine: Law of Ukraine of 13.04.2012 № 436-IV]. *Vidomosti Verkhovnoi Rady Ukrainy — Bulletin of the Verkhovna Rada of Ukraine*, 2003, 18, 19—20, 21—22. Retrieved October 20, 2020, from <https://zakon.rada.gov.ua/laws/show/436-15> [in Ukrainian].
6. Verkhovna Rada Ukrainy. (2012). Tsyvilnyi kodeks : Zakon Ukrainy vid 16.01.2003 № 435-IV [Civil Code: Law of Ukraine of 16.01.2003 № 435-IV]. *Vidomosti Verkhovnoi Rady Ukrainy — Bulletin of the Verkhovna Rada of Ukraine*, 40—44. Retrieved October 20, 2020, from <https://zakon.rada.gov.ua/laws/show/435-15> [in Ukrainian].
7. Natsionalnyi bank Ukrainy. (2004). Pro zatverdzhennia Polozhennia pro poriadok zdiisnennia bankamy operatsii za harantiiamy v natsionalni ta inozemnykh valiutakh: Postanova vid 15.12.2004 № 639. [On approval of the Regulations on the procedure for banks to carry out operations under guarantees in national and foreign currencies: Resolution dated 15.12.2004 № 639]. *Zakonodavstvo Ukrainy — Legislation of Ukraine*. Retrieved September 23, 2020, from <https://zakon.rada.gov.ua/laws/show/z0041-05>.
8. Verkhovna Rada Ukrainy. (1991). Pro zakhyst prav spozhyvachiv: Zakon Ukrainy vid 12.05.1991 № 1023-XII [On consumer protection: Law of Ukraine of 12.05.1991 № 1023-XII]. *Vidomosti Verkhovnoi Rady URSR — of the Verkhovna Rada of the USSR*, 30. Retrieved October 18, 2020, from <https://zakon.rada.gov.ua/laws/show/1023-12> [in Ukrainian].
9. Verkhovna Rada Ukrainy. (2017). Pro spozhyvche kredyтування: Zakon Ukrainy vid 15.11.2016 № 1734-VIII [About consumer lending: Law of Ukraine of 15.11.2016 № 1734-VIII]. *Vidomosti Verkhovnoi Rady Ukrainy — Bulletin of the Verkhovna Rada of Ukraine*, 1. Retrieved August 10, 2020, from <https://zakon.rada.gov.ua/laws/show/1734-19> [in Ukrainian].
10. Muliar, M. (2017). Pravovy status spozhyvacha za dohovorem spozhyvchoho kredytu v konteksti novel Zakonu Ukrainy Pro spozhyvche kredyтування [Legal status of a consumer under a consumer loan agreement in the context of amendments to the Law of Ukraine on Consumer Lending]. *Chasopys Kyivskoho universytetu prava — Journal of Kyiv University of Law*, 2, 141—145. Retrieved September 18, 2020, from <https://cutt.ly/dgcNjK> [in Ukrainian].
11. Verkhovna Rada Ukrainy. (2002). Pro finansovi posluhy ta derzhavne rehuliuвання rynkiv finansovykh posluh: Zakon Ukrainy vid 12.07.2001 № 2664-III [About consumer lending: Law of Ukraine of 12.07.2001 № 2664-III]. *Vidomosti Verkhovnoi Rady Ukrainy — Bulletin of the Verkhovna Rada of Ukraine*, 1. Retrieved October 18, 2020, from <https://zakon.rada.gov.ua/laws/show/2664-14> [in Ukrainian].
12. Symonenko, Z. (2016). Harantii zakhystu prava vlasnosti pry nakladenni areshu na maino u kryminalnomu provadzhenni [Guarantees of protection of property rights in case of seizure of property in criminal proceedings]. *Visnyk kryminalnoho sudochynstva — Bulletin of Criminal Procedure*, 1, 140—145 [in Ukrainian].
The article is recommended for printing 15.02.2021 © Kantsir V., Kushpit V., Palyukh A., Tsyluyryk I., Kantsir I.