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## **ВИЗНАННЯ ФАКТУ НАРОДЖЕННЯ АБО СМЕРТІ НА ТИМЧАСОВО ОКУПОВАНІЙ ТЕРИТОРІЇ ЗА ПРАВИЛАМИ ОКРЕМОГО ПРОВАДЖЕННЯ**

***Анотація.** Стаття присвячена дослідженню практики застосування новели окремого провадження цивільного судочинства, зокрема визнанню факту народження або смерті фізичної особи на тимчасово окупованій території України. Проаналізовано окремі нормативні акти та законодавчі зміни, ухвалені для захисту прав і суб'єктів правовідносин у зв'язку із збройною агресією Російської Федерації, здійсненою з метою порушення суверенітету та територіальної цілісності нашої держави, що вважається актуальністю обраної тематики даної статті. Звертається увага на труднощі доказування зазначеного факту, особливості процедури розгляду справ вказаної категорії, суб'єктного складу процесуальних правовідносин та наслідків набрання судовим рішенням законної сили. Поряд із цим категорія справ, що розглядається у статті, характеризується специфічними правилами підсудності. Метою статті є аналіз практики застосування норм цивільного процесуального права при розгляді справ зазначених категорій. У зв'язку з цим звертається увага на застосування так званих Намібійських винятків, розроблених у зв'язку з необхідністю надання доказів, пов'язаних з їх видачею на тимчасово окупованих територіях держави. Тому методи, що використовувались для досягнення мети статті, зумовлені необхідністю наукового пізнання явищ, що описуються в ній. Відтак, при підготовці статті використовувався порівняльно-правовий метод правового регулювання, який полягає в порівняльному аналізі негативних наслідків соціально-правових явищ, пов'язаних із збройною агресією проти України та інших держав, зокрема Республіки Кіпр. Герменевтичне тлумачення застосовувалось для представлення правових норм інших держав. Застосовувався також аналітико-синтетичний підхід, що передбачає аналіз і синтез, зокрема синтез параметричний. Він полягає в обґрунтуванні необхідності й достатності сукупності показників. Результати та рекомендації автора полягають у пропозиціях законодавчого закріплення особливостей розгляду цивільних справ судами, пов'язаних із захистом правовідносин, що виникли (існують) на тимчасово-окупованій території України, та вдосконалення доказування тих чи інших правовідносин.*

**Ключові слова:** окреме провадження, збройна агресія Російської Федерації, підсудність, доказування, процедура розгляду справи.

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## **RECOGNITION OF THE FACT OF BIRTH OR DEATH IN THE TEMPORARILY OCCUPIED TERRITORY UNDER THE RULES OF SPECIAL PROCEEDINGS**

**Abstract.** *This study investigates the practice of application of the special civil proceedings, in particular the recognition of the fact of birth or death of an individual in the temporarily occupied territory of Ukraine. The study analyses certain regulations and legislative changes adopted to protect the rights and subjects of legal relations in connection with the armed aggression of the Russian Federation, committed to violate the sovereignty and territorial integrity of Ukraine, which is considered relevant to this subject. Attention is drawn to the difficulties of proving this fact, the specific features of the procedure for consideration of cases of this category, the subjective composition of procedural legal relations and the consequences of the entry into force of a court decision. In addition, the category of cases considered in the study is described by specific rules of jurisdiction. The purpose of the study is to analyse the practice of applying the rules of civil procedural law in cases of the specified categories. In this regard, attention is drawn to the application of the so-called Namibian Exception, developed in connection with the need to provide evidence related to their issuance in the temporarily occupied territories of the state. Therefore, the methods used to achieve the purpose of the study are conditioned by the need for scientific cognition of the described phenomena. Therefore, in preparing the study, a comparative legal method of legal regulation was used, which lies in a comparative analysis of the negative consequences of social and legal phenomena associated with armed aggression against Ukraine and other states, including the Republic of Cyprus. Hermeneutic interpretation was used to represent the legal provisions of other states. An analytical-synthetic approach was also used, which involves analysis and synthesis, in particular parametric synthesis. It lies in substantiation of necessity and sufficiency of set of indicators. The results and recommendations of the author include proposals for legislative consolidation of the specific features of consideration of civil cases by courts related to the protection of legal relations that have arisen (exist) in the temporarily occupied territory of Ukraine, and for improvement of the proof of certain legal relations.*

**Keywords:** special proceedings, armed aggression of the Russian Federation, jurisdiction, evidence, proceedings.

### **INTRODUCTION**

On February 20, 2020, the seventh year of the armed aggression of the Russian Federation against Ukraine began. During this period, Ukraine faced violent challenges caused by the indicated criminal acts of the neighbouring state. First of all, these are significant human losses, broken destinies, the need to provide material support to repel the armed aggression of the Russian Federation and overcome its consequences, etc. Therewith, Ukraine was faced with the need to regulate a number of legal relations concerning the legal regulation of this aggression, ensuring the rights and freedoms of citizens living in its temporarily occupied territories, as well as adopting regulations to ensure the rights and freedoms of internally displaced persons [1-5].

The author has previously published one of the studies on this subject [6]. However, due to the need for scientific development of this area of study, it is considered necessary to approach the analysis of this issue more carefully and thoroughly. Thus, the previously published studies left out the characteristics of the means of proof and the procedure for proving the facts of birth or death in the temporarily occupied territories of Ukraine, the specifics of notification of the time and place of consideration of the case of persons interested in the resolution of the case, as well as evidence of the need to record some personal data in court decisions. Therewith, the objective and subjective limits of acts of justice in the specified categories of cases of separate proceedings require in-depth study. These circumstances, among others, necessitate the return to the scientific study of the specific features of civil cases on the establishment through judicial procedures of the facts of birth or death in the temporarily occupied territories of Ukraine.

At the same time, one cannot ignore the need to legally record certain facts that have legal significance and take place in the temporarily occupied territories of Ukraine as an integral part of the territory of the state covered by the Constitution and laws of Ukraine. Thus, according to Part 3 of Article 5 of the Law of Ukraine No. 1207-VII "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine" of April 15, 2014<sup>1</sup>, the Russian Federation as the occupying power is responsible for violating the rights and freedoms of a person and citizen defined by the Constitution and laws of Ukraine in accordance with the provisions and principles of international law. According to Article 2 of the Law of Ukraine "On the Features of National Policy to Ensure the State Sovereignty of Ukraine in the Temporarily Occupied Territories in Donetsk and Luhansk Oblasts"<sup>2</sup>, the legal status of the temporarily occupied territories in the Autonomous Republic of Crimea and Sevastopol, Donetsk and Luhansk Oblasts along with the legal regime in these territories, are determined by the specified regulation, the Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens in the Temporarily Occupied Territory of Ukraine"<sup>3</sup>, other laws and international treaties approved by the Verkhovna Rada of Ukraine, principles and provisions of international law.

The annexation of the territory of a sovereign state by a neighbouring state as a result of an alleged violation of the rights of a group of the population ethnically close to the titular nation of the aggressor state is not new in world history. For example, on July 20, 1974, as a result of Turkish military aggression against the Republic of Cyprus due to alleged violations of the rights of Turkish Cypriots, about 40% of the territory of a sovereign island state was annexed. 40 years later, on February 20, 2014, the Russian Federation began its armed aggression against Ukraine as a result of the alleged protection of the Russian-speaking population in the territories of the Autonomous Republic of Crimea, Sevastopol, Donetsk, and Luhansk Oblasts. The negative consequences of the armed aggression of the 20th and 21st centuries have not gone unnoticed by the international democratic community. In

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<sup>1</sup>Law of Ukraine No 1207-VII "On ensuring the rights and freedoms of citizens and the legal regime in the temporarily occupied territory of Ukraine". (2014, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/1207-18#Text>

<sup>2</sup>Law of Ukraine No 2268-VIII "On the features of national policy to ensure the state sovereignty of Ukraine in the temporarily occupied territories in Donetsk and Luhansk Oblasts". (2018, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/2268-19#Text>

<sup>3</sup>Law of Ukraine No 1207-VII "On ensuring the rights and freedoms of citizens and the legal regime in the temporarily occupied territory of Ukraine", op. cit.

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addition, the European Court of Human Rights (hereinafter referred to as "the ECHR") provided a legal assessment of the consequences of aggressive actions of neighbouring states in a number of its decisions. Examples include *Loizida v. Turkey*, *Eugenia Michelidou, Michael Timvios and Dimeids v. Turkey*, *Cyprus v. Turkey* [7-11], etc. Along with violating the rights of the population of sovereign states, the aggressor state maintains separatist sentiment in the occupied territories during military intervention. During the Moldovan conflict of 1991-1992, as stated in the Grand Chamber's decision in *Ilaşku and Others v. Moldova and Russia*, the forces of the former 14th Army, which was first a formation under Soviet rule, then the CIS and later the Russian Federation), stationed in Transnistria, participated in operations on the side of the separatist forces of Transnistria. Many weapons from the 14th Army were voluntarily handed over to the separatists, who also had the opportunity to seize other weapons, which was not opposed by the Russian military. In addition, throughout the period of these clashes between the Moldovan authorities and the Transnistrian separatists, Russian leaders supported the separatist government with their political declarations" [12].

## **1. MATERIALS AND METHODS**

The materials used in the preparation of the study include both regulatory and scientific framework. Therewith, it was considered possible to investigate the specific features of the application of legal provisions in the consideration of cases by both national courts and an international judicial institution whose jurisdiction is recognised by Ukraine. The use of foreign and regulatory sources in the study of the subject of this study will shed light on the practice of legal regulation of similar legal relations in the legislation of another state, faced with similar problems, the need to solve which is currently relevant in Ukraine [13]. At the same time, it is quite interesting to describe the modern legislation of the Republic of Cyprus, which operates in this country after the republic's independence from Great Britain and after the end of the active phase of Turkish aggression [14]. The methods of scientific cognition used in this study are materialised in the elements of the legal regulation mechanism of those relations where a particular method manifests itself. This conclusion is based on the position of a fundamental study of the specific features of the method of legal regulation of civil procedural legal relations. In this method, in addition to the above, as V.V. Komarov points out, the elements of the legal regulation mechanism, in which the method of the above legal relations is manifested, include both the specific nature of legal relations and legal facts, along with rights, obligations, and sanctions [15].

Apart from the above features of the method of legal regulation of civil procedural legal relations, the preparation of this study would not be possible without the use of one of the modern sources, where O.G. Danilyan and O.P. Dzoban published advice on the proper organisation of scientific research, along with the application of their adequate methodology. The use of their research allowed, in the context of this study, to answer the questions of scientists regarding the need to guide the researcher in the use of epistemological concepts, which, at times, contradict each other. The application of the methods of scientific cognition took place primarily in view of phenomenological principles, existentialism, and particularism. A special place was occupied by the use of the method of socio-legal experiment as a method of studying socio-legal phenomena

and processes, which is carried out by observing changes in the subject under the influence of those factors that control and guide their development [16]. In this aspect it is also necessary to note the attempts of active use of a comparative legal method. The need for its use in the preparation of this study was conditioned by the existence of phenomena that constitute the subject matter of the study, in other countries and internationally.

The need for a comparative legal study of the legislation of different states, the territorial integrity of which was compromised by the armed aggression of another state, led to the use of comparative legal method of legal regulation. In this regard, the interpretation of the provisions of law of the states affected by aggression was combined with the use of hermeneutic interpretation of the idea of foreign legal provisions. Analysis and synthesis led to the presence of an analytical-synthetic approach to solving issues related to achieving the purpose of the scientific study. The historical legal method of scientific cognition helped investigate the historical origins of certain phenomena, in particular the "Namibian exception". The methods of scientific cognition used allowed to provide knowledge about the studied objects. The process of their cognition is conditioned, among other things, using historical preconditions for the need to introduce courts of international jurisdiction over the leaders of armed aggression of the last century (Nuremberg, The Hague).

## **2. RESULTS AND DISCUSSION**

Legal relations, in particular those governed by branches of civil law, require constant updating due to the need for legal regulation of social relations that arise at different times. For some time after the emergence, these legal relations remain unregulated by law. For example, this refers to the legal regulation of surrogacy and related legal relations, e-commerce, artificial intelligence, etc. Therewith, along with these positive changes in social life, civil science and legislation need to be updated due to the specific features of regulation and resolution of legal relations caused by the armed aggression of the Russian Federation, the activities of illegal groups in Donetsk and Luhansk Oblasts and the impossibility of implementing national legislation in the temporarily occupied territories of Ukraine.

The impossibility of actual exercise of power by public authorities and local governments in these territories of Ukraine necessitates the implementation of legally significant actions and the establishment of legal facts on which depends the emergence, change, or termination of personal or property rights of individuals by public authorities (in particular, judicial) outside the temporarily occupied territories of Ukraine. Such a need is required by the statutory rule that any bodies, officers, and officials, as well as their activities, are considered illegal if such bodies or persons are established, elected, or appointed in a manner that is not stipulated by national legislation. Any act (decision, document) issued by these bodies (persons) is invalid and does not create legal consequences. Thus, the establishment of legal facts of birth or death of an individual in the temporarily occupied territories by illegal (within the meaning of Article 9 of the Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens and the Legal

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Regime in the Temporarily Occupied Territory of Ukraine"<sup>1</sup>) bodies and their officials entails, on the one hand, the legal consequences for the legitimate legal relationship that is associated with it. The provision of the events of the birth or death of a person in the temporarily occupied territories of Ukraine with the opportunity to obtain legitimate legal confirmation was reflected in the provisions of the Civil Procedural Code of Ukraine<sup>2</sup>, while the provisions of civil substantive law have not undergone additions in connection with the social relations of this branch, taking into account the specifics of establishing and legal registration of facts of birth or death of individuals in the temporarily occupied territory of Ukraine.

It is quite logical for the legislator to assign this category of civil cases to special civil proceedings. In this regard, V.V. Komarov fairly pointed out that in all periods of codification of civil procedural law the catalogue of cases of separate proceedings was different. The legislator only determined their list. Such a technical and legal method of assigning certain cases to the sphere of civil jurisdiction has not found a proper scientific interpretation, and the analysis of the composition of cases of separate proceedings indicated their obvious heterogeneity [17].

The provision of civil procedural legislation, which stipulates the establishment of facts of birth or death in the temporarily occupied territories of Ukraine, is located in Chapter 6 of Section IV of the Civil Procedural Code of Ukraine<sup>3</sup>, which contains the procedure for civil courts to establish facts of legal significance in general. Despite the lack of statutory consolidation of the fact of birth or death of a person in the temporarily occupied territory of Ukraine in Part 1 of Article 315 of the Civil Procedural Code of Ukraine, the possibility of considering cases of this category follows from the content of Part 2 of Article 315 of the Civil Procedural Code of Ukraine. In accordance with this provision, other facts may be established in court, on which the emergence, change, or termination of personal or property rights of an individual depends, unless otherwise specified by law. Article 317 of the Civil Procedural Code of Ukraine<sup>4</sup> establishes the procedural features of the proceedings in cases of establishing the following facts: 1) birth in the temporarily occupied territories of Ukraine; 2) death of a person in the specified territories. Based on this, the purpose of this study is to investigate the features of consideration of civil cases of the specified categories. Parents, relatives, their representatives, or other legal representatives of the child are *the subjects of appeals to the court* to establish the fact of birth in the temporarily occupied territories. An application for establishing the fact of death of a person in the above-mentioned territory of Ukraine may be filed by the relatives of the deceased or their representatives.

*The jurisdiction* of the subject matter of both categories of these cases is not clearly defined and does not apply to any of the types of jurisdiction recognised in the legal literature [18]. Article 317 of the Civil Procedural Code of Ukraine enshrines the possibility for applicants to apply to any court outside the temporarily occupied

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<sup>1</sup>Law of Ukraine No 1207-VII "On ensuring the rights and freedoms of citizens and the legal regime in the temporarily occupied territory of Ukraine". (2014, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/1207-18#Text>

<sup>2</sup> Civil Procedural Code of Ukraine. (2004, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/1618-15#Text>

<sup>3</sup>*Ibidem*, 2004.

<sup>4</sup> *Ibidem*, 2004.

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territories, regardless of the applicant's place of residence. This approach of the legislator appears logical based on the following. Establishing these facts and giving them the proper legitimate legal status necessitates the recognition of the legal consequences of such facts. Proceeding from this, the granting of the right to apply to the court with statements on establishing the facts of the birth or death of a person in the temporarily occupied territories of Ukraine to any court of civil jurisdiction, regardless of the applicant's place of residence, contributes to ensuring the individual's right to access to justice in the most approximate or for other reasons convenient location of the court in terms of the convenience of ensuring attendance, providing factual material, etc. The analysis of court decisions on the indicated categories of civil cases, according to the Unified State Register of Court Decisions, suggests that there is a fairly considerable number of decisions of the courts of first instance in such cases (55,523 decisions) in the period from the moment of consolidation of the legislative ability to establish such facts by the judicial authorities throughout the territory of Ukraine [19].

Part 2 of Article 317 of the Civil Procedural Code of Ukraine stipulates *the urgency of consideration of cases of these categories* from the date of receipt of the application to the court. This specific feature of the trial does not necessitate prior and proper notification of the parties to the time and place of the trial, which takes place in civil cases involving the need to summon to court persons residing in the temporarily occupied territory. The armed aggression of the Russian Federation against Ukraine has made changes in the specific features of the courts' actions regarding the proper informing of the subjects of civil procedural legal relations about the time and place of consideration of the case. The lack of postal communication with the temporarily occupied territories makes, unfortunately, impossible the conventional notice of the participants in the case living in the specified territory by sending summons. Given this circumstance, the procedure for summoning to court and notification of the court decision stipulated in Article 12-1 of the Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine"<sup>1</sup>. Specific features of these procedural actions lie in their implementation through announcements on the official website of the judiciary of Ukraine with reference to the website address of the relevant judicial act in the Unified State Register of Judgments. The latter must be posted no later than twenty days prior to the date of the hearing. At the same time, it should be recognised that not all subjects of civil procedural legal relations living on the territory of Ukraine have sufficient experience in the use of electronic resources. This circumstance sometimes leads to the fact that individuals do not receive information about the summons to court. However, the judiciary, based on the regulations of the above content, place ads on the official website of the judiciary of the state in compliance with the terms of such placement, which is considered appropriate notification of the parties about the time and place of the trial [20].

*The difficulty of proof in this category of cases* lies in the possible consideration by the court of documents issued by bodies (persons) operating in the temporarily occupied territories. The above reference to Article 9 of the Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied

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<sup>1</sup>Law of Ukraine No 1207-VII "On ensuring the rights and freedoms of citizens and the legal regime in the temporarily occupied territory of Ukraine". (2014, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/1207-18#Text>

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Territory of Ukraine" indicates the absence of any legal force in the content of documents issued by illegitimate officials and bodies. This position is sometimes taken by the judiciary, but the conclusions of local courts are corrected by the courts of appeal, which decide to grant applications to establish the facts of birth or death in the temporarily occupied territories<sup>1</sup>. As appropriate and admissible evidence, the court, as an exception, taking into account the key importance of establishing the fact of a person's birth for the exercise of the applicant's rights, considers the medical birth certificate, medical documents issued by institutions operating in the temporarily occupied territory of Ukraine, where the authorities of Ukraine temporarily do not exercise their powers, namely the information contained in the specified documents and confirmed in the aggregate and interrelation with other evidence in the case. However, Part 3 of Article 2 of the Law of Ukraine "On Features of National Policy to Ensure State Sovereignty of Ukraine in the Temporarily Occupied Territories in Donetsk and Luhansk Oblasts"<sup>2</sup> stipulates the illegality of the activities of the armed formations of the Russian Federation and the occupation administration in the Donetsk and Luhansk Oblasts since it contradicts the international law provisions. As a result, any act issued in connection with the activities of such entities is rendered invalid and does not create any consequences. Exceptions are documents confirming the facts of birth or death in the temporarily occupied territories in Donetsk and Luhansk Oblasts, provided they are attached to the application for state registration of birth of an individual and the application for state registration of the death of a person.

The possibility of giving legal force to documents of illegitimate occupation authorities is quite problematic. In this regard, the world experience knows the so-called "Namibian exception", the rules of which are applied in Ukrainian judicial practice. In one of the rulings, the Supreme Court pointed to the defendant's objection that the court could not consider the evidence issued in the temporarily occupied territory that the courts of first and appellate instance had reasonably reached the following conclusion. The legal relations that were the subject of judicial review by the judicial authorities of Ukraine were subject to the so-called "Namibian exception" of the International Court of Justice. This means that documents issued by the occupying power must be recognised if their non-recognition will lead to serious violations or restrictions on the rights of citizens. The fact is that in 1971 the UN International Court of Justice in its document "Legal Implications for States on the Continuing Presence of South Africa in Namibia" stated that UN member states must recognise the illegal and invalid continued presence of South Africa in Namibia, but "at the same time, official actions taken by the Government of South Africa on behalf of or against Namibia after the termination of the mandate are illegal and invalid, such activities cannot be applied to actions such as birth, death and marriage registration".

The ECHR also disclosed this principle in its practice (for example, *Loizidou v. Turkey*, 18 December 1996, para. 45), *Cyprus v. Turkey* (10 May 2001), *Moser v. Republic of Moldova and Russia* (February 23, 2016). Judges of the said international judicial institution consider that the obligation to ignore and disregard the actions of

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<sup>1</sup>Resolution of the Donetsk Court of Appeal (2020, March). Retrieved from <http://www.reyestr.court.gov.ua/Review/88539634>.

<sup>2</sup>Law of Ukraine No 2268-VIII "On the features of national policy to ensure the state sovereignty of Ukraine in the temporarily occupied territories in Donetsk and Luhansk Oblasts". (2018, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/2268-19#Text>

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existing de facto institutions and bodies [of the occupying power] is far from absolute. For people living in such an area, life goes on. And it needs to be made more tolerable and protected by the de facto authorities, including their courts. Only in the interests of the inhabitants of the said territory, the actions of the said authority, which are relevant to the above, cannot be ignored by third countries or international organisations, in particular by courts, including the ECHR. Otherwise, to solve such a problem would be to deprive people living in the occupied territories of all rights whenever such rights are discussed in an international context. This meant depriving them of even the minimum level of rights they had. Therewith, the recognition of acts of the occupation power in a limited context in exceptional cases when protecting the rights of residents of the occupied territories in no way legitimises such power<sup>1</sup>.

It is considered appropriate to address the absence of an obligatory requirement in the provisions of civil procedural law (Article 317 of the Civil Procedural Code of Ukraine<sup>2</sup>) to specify in the content of the court decision on establishing the fact of death in the temporarily occupied territories *the data on the date and death of a person, the fact of which the applicant requires to establish*. On the other hand, part 3 of this provision stipulates the obligatory indication of data on the date and place of birth of a person and information about this person's parents. The specific features of the proceedings to establish the facts of birth or death of a person in the temporarily occupied territories include *the obligation to immediately enforce the court decision*. In this regard, an appeal against an act of justice does not suspend the execution of a court decision.

The court decision on the specified categories of civil cases constitutes the basis for the state registration of birth or death of an individual on a place of acceptance of the act of justice. Based on this, it appears that the establishment of a court decision does not entail automatic state registration of these facts. The opposite situation is observed in the dissolution of marital relations in court. In this situation, in the case of divorce by a court, the marital relationship is terminated on the day of entry into force of the court decision on divorce, and not after its state registration.

## CONCLUSIONS

The information stated in this study does not exhaust the problems of applying civil procedural legislation regarding legal relations that arose in the temporarily occupied territory of Ukraine with the participation in the civil process of its citizens who live in this territory. Consideration of civil cases related to inheritance of property and acceptance of inheritance in the above territories requires special attention, with the specific features of appellate and cassation challenging court decisions. Outside of civil proceedings, it is also worth investigating the specifics of resolving disputes related to social payments to residents of the temporarily occupied territories, with the execution of court decisions, the issue of the legitimacy of letters rogatory to illegal bodies operating in the occupied territories (there is a precedent), etc.

The authors of the study does not aspire to obtain the final solution to the issues highlighted in this study. Therewith, the problems of applying the national civil

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<sup>1</sup> Resolution of the Supreme Court of October 22, 2018. Retrieved from <http://www.reyestr.court.gov.ua/Review/77310529>.

<sup>2</sup> Civil Procedural Code of Ukraine. (2004, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/1618-15#Text>

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procedural legislation in the context of ensuring the rights and freedoms of subjects of legal relations associated with the armed aggression of the Russian Federation should be given more attention in the pages of legal literature.

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