

## EDITORIAL

This special issue of the *Revista Jurídica Portucalense* is dedicated to LEGAL PROTECTION MECHANISMS IN CIVIL LAW. The idea for this issue was proposed by a group of Ukrainian researchers. After the former director of the Portucalense Legal Institute, Professor Wladimir Brito, approved the publication of the special issue, we launched a call for contributions, which started in January 2023 and ended in April 2023.

In this issue, the section dedicated to SCIENTIFIC RESEARCH comprises nineteen papers that underwent selection through a double-blind peer review process. Below is a summary of each of the nineteen articles featured in this special issue of *Revista Jurídica Portucalense*.

*"The consumers of the digital age: Which place for the right to information?"* by Ana Clara AZEVEDO AMORIM explores what influences consumers' choices in the digital age and investigates if legal responsibilities to provide information are still necessary.

In the article *"Subrogated assets in place of own assets - The intervention of both spouses in the acquisition act"*, by Andreia Madalena MAGALHÃES JESUS, the author presents a jurisprudential and doctrinal analysis of Article 1723(c) of the Portuguese Civil Code.

This is followed by a study by Eva Dias COSTA, entitled *"Contributions to the interpretation of Article 1791 of the Civil Code - the loss of benefits in the event of divorce and separation of persons and property"*, in which the author seeks, in the face of some apparent imprecision on the subject, to shed some light on the loss of benefits provided for in article 1791 of the Civil Code in the event of divorce or separation of persons and property, in the light of the letter and spirit of the divorce legal regime resulting from the 2008 reform.

Fátima BRAGA, in her paper "*Medically Assisted Procreation and the constitutional principles of equality and non-discrimination*", analyses the Medically Assisted Procreation Law (in Portugal) against the backdrop of the constitutional principles of equality and non-discrimination, and finds no valid grounds for excluding men, alone or in couples, as beneficiaries of PMA.

Hugo CUNHA LANÇA, in his paper titled "*Revisit the legal regime of the legal capacity of minors, based on neuroscience*", aims to analyse the legal capacity of minors in relation to their brain development.

Irene COPPOLA's article "*Why does the right to abortion continue to be discussed?*" aims to show that the right to abortion does not exist in Italy. Coppola uses a brief historical analysis to support her argument.

In "*Mediation as an effective tool for the prevention of violations and the protection of rights in Ukraine through the prism of international experience*", Natalia HRES, Viktoria STRELNYK and Tetiana CHURILOVA look at effective ways of resolving disputes, mainly through mediation, using positive international practices. This is because martial law in Ukraine has had devastating consequences, notably limiting access to judicial remedies.

Below are three other studies aimed at improving the Ukrainian legal system.

In the first study, entitled "*Gaps in the Legal Regulation of Property Rights and other Real Rights in Ukraine: Comparative Characteristics with Similar Institutions in the EU Countries*" and presented by Oleh ILKIV, Vitalii MYKULETS, Volodymyr DUMA, Viktor TKACHUK and Nataliia DEREVIANKO, the authors compare the legal system of real estate and agricultural land ownership rights in Ukraine with the systems of some EU countries and propose the implementation of some concrete measures.

In the second study, the authors Oleksii KHOVPUN, Artur ZAMRYHA, Victoria PANCHENKO, Valerii MASHYKA and Mykolai GERASYMENKO focus on the concept of "extortion" as it plays a crucial role in understanding criminal and civil liability for economic offences. They consider, in their study "*Specificities of criminal (civil) liability for economic offences*", that understanding the relationship between extortion and criminal and civil liability for economic offences is essential for several reasons, such as ensuring an accurate classification of the legal consequences for offenders.

In the third study, "*Pre-contractual relationship in the contract law of Ukraine and the DFCR: the problem of updating legal regulation in view of the reform of the Civil Code of Ukraine*", Olena KOKHANOVSKA, Vadym TSIURA and Veleonin KOKHANOVSKYI emphasise that the Ukrainian concept of the pre-contractual relationship should be based on a number of fundamental principles of contract law, as accepted in European private law, in particular in relation to the concept of the pre-contractual relationship.

Renato NETO, in his paper "*Professional standard of care and sharing economy*", presents a notion of professionalism, which serves as a basis for assessing whether it is possible to demand professional, qualified diligence that is higher than ordinary diligence. In particular, it studies the treatment of "local accommodation" in Portuguese law to examine whether these activities of the collaborative economy tend to become professionalised. Finally, it considers the standard of care to be required.

Roman I. TASHIAN, Yuliia S. TAVOLZHANSKA, Oleksii V. TAVOLZHANSKYI, Serhii V. GRYNCHAK and Nataliia V. SMETANINA present a paper on "*Scientific doctrine as a source of law in international law and legal systems of the world*" in which they analyse the regulatory role and potential of doctrine, paying special attention to international law, as well as Roman-Germanic, Anglo-Saxon, and religious legal systems.

This is followed by seven articles particularly centred on Ukraine's legal system.

Viktoriia RIEZNIKOVA, Ivan KOSTYASHKIN, Tetiana LAHOIDA, Iryna KRAVETS and Antonina BOIKO analyse the current state of the protection of property rights in times of martial law and identify the main problems arising therefrom in their article "*Ensuring property rights under martial law*".

Volodymyr O. HAVRYLYUK, Nataliya V. RYBAK, Volodymyr V. KUZMENKO, Olha V. LETS and Oleh P. DENEHA aim to identify the impact of martial law on labour relations in Ukraine, specifically on workers' rights, in their article titled "*The influence of martial law on labour relations in Ukraine*".

Volodymyr KUZMENKO, Andriy KOROTKYKH, Oksana VAITSEKHOVSKA, Vladyslav KOSTENKO and Kateryna KUTSOVOL examine outsourcing and its regulation, outlining its benefits and drawbacks, and exploring its potential for growth in both Ukraine and global contexts in their article titled "*Topicality of outsourcing as one of prospective employment forms*".

Next, we delve into Volodymyr NAHNYBIDA, Zhanna CHORNA, Svitlana LOZINSKA, Roksolana IVANOVA, and Volodymyr BOBRYK's research article "*Protection of rights of ownership under Ukrainian and European law: theory and practice*". The writers scrutinize the theoretical and practical dimensions of upholding individual property rights and raise awareness of the primary impediments that hinder the efficient functioning of this protection mechanism.

Yevhen LEHEZA, Bogdan SHCHERBYNA, Yulia LEHEZA, Olena PUSHKINA and Olesia MARCHENKO present a study on the exception of non-fulfilment of a contract, but from the perspective of Ukrainian law, on its nature, on the possibility or not of resorting to this institution in the event of non-fulfilment of an accessory obligation or an obligation not to act. The article is entitled "*Features of applying the right to suspension or complete/partial refusal to fulfil a*

*duty in case of non-fulfilment of the counter duty by other party according to the civil legislation of Ukraine".*

Yurii NAZAR, Danylo YOSYFOVYCH, Viktoriia BONDARENKO, Bohdan MELEKH, Nataliia PUSTOVA in their article "*Essence of administrative guarantees of the rights of individuals and legal entities during state control (Supervision)*" examine the basic principles of administrative guarantees related to the protection of the rights of individuals and legal entities during state control and supervision. They do so through a comprehensive analysis of the current national legislation in Ukraine.

To conclude the "Scientific Research" section, Yurii PRYTYKA and Serhii KRAVTSOV present a study on "Small Claims in Civil Procedure in Ukraine: Panacea or obstacle to access to justice" as part of the research project "Justice in the context of sustainable development" Project No. 22BF042-01 (2022-2024). According to the authors, simplified court procedures have been introduced in Ukraine, especially for small claims. However, they question whether the civil procedure for small claims respects the principle of the rule of law and the basic principles of judicial procedure as defined by the Constitution of Ukraine, and whether or not these procedures hinder the exercise of the right to judicial protection. The authors attempt to answer these questions by analysing the legislation of various European countries, the practice of the European Court of Human Rights and systematic research into the provisions of the Convention for the Protection of Human Rights. The conclusions justify the need to publish a formula for determining small claims in relation to the level of minimum income in a given country.

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The Editor-in-Chief

Mónica Martinez de Campos

Edição e propriedade:

**Universidade Portucalense Cooperativa de Ensino Superior, CRL**

Rua Dr. António Bernardino de Almeida, 541 - 4200-072 Porto

Email: [upt@upt.pt](mailto:upt@upt.pt)