EDITORIAL

In this issue of Revista Jurídica Portucalense no. 34, the section dedicated to SCIENTIFIC RESEARCH is made up of sixteen articles that were selected according to the rules of the double-blind peer review process.

After the scientific research papers we have, in the JURISPRUDENCE section, an analysis of two Portuguese judgements by Gil Moreira dos SANTOS, entitled *Os artigos 417.º , nº 4 do C.P.C. e 135.º e segs. do C.P.P: "estirpes" diferentes do mesmo "meio de obtenção de prova": comunicação de movimentos bancários (Articles 417, no. 4 of the C.P.C. and 135 et seq. of the C.P.P.: different "strains" of the same "means of obtaining evidence": communication of bank movements*).

Let's now summarise each of the sixteen articles that make up the SCIENTIFIC RESEARCH section of this issue of Revista Jurídica Portucalense.

Anatoliy KOSTRUBA, in his article entitled *Derivative Claim in the System of Remedies for Corporate Legal Relations*, presents a study in which he concludes that derivative action is an essential tool for corporate governance and conflict resolution, although further research in this area is needed in order to provide recommendations for solving problems in Ukrainian corporate law.

Deolinda MEIRA, Susana BERNARDINO, and Miguel SILVA carried out a study entitled *A (des)adequação dos mecanismos de regulação das IPSS que atuam na área da saúde em Portugal (The (un)adequacy of the regulatory mechanisms for IPSSs operating in the health area in Portugal)*, which concludes that the regulations applicable to IPSS providing social responses in the health sector are not fully adequate. This inadequacy is particularly evident in the financial contributions, which are insufficient and limit the attraction of human resources, the ability to update technology and the expansion of activities.

Halyna YANOVYTSKA, Anna YANOVYTSKA, Uliana ANDRUSIV, Mariya MYKHAYLIV and Marta KRAVCHYK, in the article *Invalidity of Transactions: Analysis of Grounds and Civil Legal Consequences*, examine the grounds for invalidity of transactions under the legislation of Ukraine and conduct a comparative legal analysis with the legislation of several European countries, in particular the legislation of Germany and the Republic of Lithuania.

João FERREIRA DIAS, in his study *Do Princípio da Igualdade ao Princípio da Diversidade: uma releitura da orientação constitucional em Portugal* (*From the Principle of Equality to the Principle of Diversity: a reinterpretation of constitutional guidance in Portugal case*), proposes a reinterpretation of the principle of equality enshrined in Article 13 of the Constitution of the Portuguese Republic (CRP), taking into account the emergence of a socio-political orientation that produces a de facto view of the content of the constitutional norm.

The aim of the study by Liudmyla TOVKUN, Mariia PEREPELYTSIA, Nataliya MARYNIV and Anastasiia OVCHARENKO on the *International experience of e-commerce taxation and its application in Ukraine (legal aspect)* is to analyse the taxation of e-commerce from an international perspective and try to adapt it to the Ukrainian reality, as well as to present proposals for improving the system of taxation of e-commerce in Ukraine.

Then there is an article by Luís FONSECA, Guilhermina RÊGO and Rui NUNES entitled *The empathic genesis of the right to euthanasia*. Euthanasia has provoked deep reflection and open dissent from various socio-ideological quarters, and studies and opinion articles have come to different conclusions on the subject, mainly because a heterogeneous, nebulous, and somewhat misguided conceptual approach to human nature has prevailed. In this work, the authors argue that, in the context of respect for diversity as a fundamental axiological axis of democratic constitutional states, the empathy model is fundamental for responding appropriately to the most diverse circumstances in which an ethical-legal decision is at stake, such as euthanasia.

In his work on *Breves notas sobre a antropomorfização da administração tributária artificialmente inteligente e o (novo) modelo de sistema de gestão fiscal* (*Brief notes on the anthropomorphisation of the artificially intelligent tax administration and the (new) tax management system*), Luís Manuel PICA considers that the integration of artificial intelligence systems must be accompanied by a reformulation of the tax management system itself. The author adds that this change makes it possible to identify some reformulations that must also be identified and that cannot fail to be seen within a framework of normative systematisation based on the dignity of the human person.

Manuel LOPES, in his article entitled *O reconhecimento de sentença estrangeira* (*The recognition of foreign setence*), presents a wide-ranging reflection on the Portuguese system of review and recognition of foreign judgments, the respective conditions and requirements for the confirmation of a foreign judgment, the role of public policy in the review of a foreign judgment, the defensive role of international public policy, the corrective role of international public policy, the recognition of a foreign judgment and the link with the reviewing law, etc.

Mário Simões BARATA, in the paper entitled *Case C-852/19, Gavanozov II: European investigation Order and the Right to an Effective Remedy in the CFREU*, analyses the legal controversy in the Gavanozov II case. To this end, he examines the impact of the decision, handed down on 11 November 2021, and the relevant doctrine, as well as the applicability of Article 47 of the CFREU.

In *A indemnizabilidade do dano da morte e a hereditabilidade da sua compensação (The possible restitution of the damage of death and heritability of its compensation)*, Nuno SANTOS considers that the damage caused by death has an autonomous regime of reparation, being designated *de cuius* and its right transmitted by succession - iure hereditario - to the persons provided for in paragraphs 2 and 3 of article 496 of the Civil Code.

In the study *Standards for Ensuring the Legality of Covert Activities in Criminal Proceedings Through the Prism of European Court of Human Rights*, Oksana KAPLINA, Anush TUMANYANTS and Iryna KRYTSKA seek to analyse the relevant case law of the European Court of Human Rights and to identify the standards for carrying out covert activities in criminal proceedings. The aim is to analyse the relevant case law of the European Court of Human Rights (in particular on the application of Article 8 of the European Convention on Human Rights in the context of covert investigations in criminal proceedings) and, on this basis, to identify the standards for the conduct of covert investigations and to determine the impact of these standards on the legislation of certain European countries.

This is followed by a study by Oleksandr BILIAIEV, Arsen ISAIEV, Nataliia KOROBTSOVA, Iryna PUCHKOVSKA and Victor YANYSHEN: *Contractual dynamics in Ukrainian civil law regulation*. The authors analyse the development of contractual dynamics in Ukrainian civil law in the context of European

integration, quarantine measures and martial law. Focusing on the balance between individual rights and the broader framework civil law, the study seeks to evaluate the current Ukrainian Civil Code of Ukraine and suggest improvements to protect individual rights in difficult times such as martial law.

Oleksandr SHEVCHUK, Ihor V. PROTSIUK, Igor V. SAMOSHCHENKO, Alisa V. PANOVA and Anastasiia O. SHAPOSHNYK also focus on Ukrainian law in their study. The article *The Right to access to Information and National Security in the Ukraine in the System of Human Rights* deals with the problems of implementation of the right of access to information in Ukraine, relevant from the point of view of national security, within the framework of human rights, having regards to its characteristics and peculiarities and the practice of the European Court of Human Rights.

Olha ZOZULIAK, Alla V. ZELISKO, Nataliia Ya. BASHURYN and Andrii A. ALBU in their article *Artificial Intelligence as an object of civil law regulation* consider two concepts of regulation of artificial intelligence - the subject theory and the object theory. They present arguments according to which the development of Ukrainian civil legislation should be carried out in accordance with the vector of perception of artificial intelligence as an object of civil legal relations.

Pascoal PEREIRA presents the model of legal protection for national minorities currently in force in Europe. In his article *O regime de proteção jurídica das minorias nacionais na Europa: a Convenção-Quadro para a Proteção das Minorias Nacionais do Conselho da Europa (The regime of juridical protection of national minorities in Europe: the Council of Europe's Framework Convention for the Protection of National Minorities)*, he examines the genesis of the Framework Convention, its content, and its monitoring mechanism.

To round off the scientific research section, we have an article by Vitalii KRUHLOV, Nataliia VOLKOVA, Yevgen KRASNYKOV, Iryna ALIEKSIEIENKO and Larysa SOKHATIUK, *State Control Mechanisms as a Means of Improving the Quality of Public Services of Local Self-Government Bodies*, which highlights the importance of state control in promoting transparency, accountability, and continuous improvement in the provision of local government services. The results of the study indicate ways in which state control mechanisms can be optimised by public authorities to improve the overall quality of public services,

and a model has been developed for the comprehensive implementation of state control mechanisms on the quality of public services of local self-government bodies.

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The Editor
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