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REVIEW OF THE MONOGRAPH “CORPORATION: EXPERIENCE OF PHENOMENOLOGICAL RESEARCH” BY ANATOLIY KOSTRUBA

The problem of the formation of corporate relations in Ukrainian civil law is widely discussed by both representatives of civil society and representatives of other branches of legal science. At the present stage of the development of legal doctrine, corporate legal relations are considered from the perspective of proprietary, binding, and corporate legal approaches, each of which contains the priority of the same elements in the structure of legal relations. In addition, some scholars investigate corporate relations in the context of the parity of their rights. The study of the relevant issue has attracted the great attention of modern scientists such as V.A. Vasyliwa, I.V. Spasybo-Fatieieva et al. However, the mentioned problematic issues have not been covered. Legal relations are one of the fundamental categories of legal theory. They are the means which gain inertia in the structure of legal matter. They put law into effect: rights are exercised, and legal obligations are fulfilled. Therefore, examining elements of corporate legal relations, their uniqueness or variability, method, and sequence of accumulation is relevant to the science of civil law in Ukraine.

The study of the nature of subjective civil rights and legal obligations in the structure of corporate legal relations is the subject of the monographic research of A.V. Kostruba that characterizes its relevance.

The monograph “Corporation: experience of phenomenological research” by A.V. Kostruba (Doctor of Law, Professor, Professor at the Department of Civil Law of the Educational Scientific Law Institute of Vasyl Stefanyk Precarpathian National University) is characterized by scientific novelty, which demonstrates the author’s profound knowledge in theoretical and practical aspects of the dynamics of corporate legal relations.

The author elucidates the legal essence of a corporation. The analysis of economic categories of corporate governance from the standpoint of law allowed the scientist to investigate the form of a legal entity not only in the context of the legal means of realizing the interests of its beneficiaries. A legal entity is an element of the economic system of society, the activities of which are directly aimed at meeting the needs of a group of persons in the development of productive forces and relations.

It should be noted that the study of a legal entity in terms of economics and management science allowed the author to expand the horizons of understanding the legal entity, consistently including issues of the interaction between society and corporations in the spectrum of scientific interest. The researcher managed to establish the nature of relations that arise between a legal entity and a person who is “hidden behind its veil”.

The second aspect of the problem raised in the monograph is the focus of a legal entity in the social environment in which it is involved. A legal entity as a participant of social interaction cannot but influence the social processes taking place in society that suggests the social responsibility of the legal entity to society for the outcomes of its activities.

Thus, the coverage of three interdisciplinary aspects of activities of a legal entity (the aspect of social interaction of the legal entity, the proper governance of the legal entity, and the aspect of its responsibility for the outcomes of the legal entity’s activity in society) allowed defining the model of a corporation as the legal entity, the feature of which is the factor of unity of persons who are part of it, form its essence, and embody it in society differently from persons who make it up. It is worth noticing the position of the scientist that a corporation is marked by the state of relations between it and its members, which is the concentration of interest around the purpose of its activities. This approach specifies its activities.

¹ Коstrуба А.В. Корпорація: досвід феноменологічного дослідження : монографія. Київ : Талком, 2021. 406 с. ISBN 978-617-8016-31-9.

The monograph under consideration is an attempt to systematically analyze the theoretical foundations of the legal personality of a corporation in the social environment. The scientist presents his vision of the theory of a legal entity to the academic community, studies the mechanism of corporate governance and the peculiarities of the implementation of corporate legal relations. The logical conclusion is the study of the mechanism of protection of corporate relations in the context of the substandardness of the chosen means. The research relies on a significant scientific and theoretical framework and a representative volume of factual evidence, which ensures the objectivity

and veracity of the findings. The author's work is characterized by logical harmony, conceptual integrity, and depth of penetration into the roots of the problem.

The monographic research "Corporation: experience of phenomenological research" by Anatoliy Kostruba, Doctor of Law, Professor, Professor at the Department of Civil Law of the Educational Scientific Law Institute of Vasyl Stefanyk Precarpathian National University, can be recommended for publication.

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