DOI: https://doi.org/10.32844/ibpala-2025-4.11
УДК 341

СПІЛЬНА СУМІСНА ВЛАСНІСТЬ У ТРАНСКОРДОННИХ ЦИВІЛЬНИХ ТА КОМЕРЦІЙНИХ ПРОВАДЖЕННЯХ

Мельниченко Оксана Вікторівна,
кандидат юридичних наук,
доцент кафедри міжнародного та приватного права
Київського університету права Національної академії наук України
Київ, Україна
ORCID ID: https://orcid.org/0000-0003-1217-1950

Стаття присвячена дослідженню правових аспектів виведення майна зі спільної сумісної власності у міжнародному приватному праві. У сучасних умовах активної міграції населення, поширення міжнаціональних шлюбів та формування нових правових форматів сімейно-майнових відносин проблема правового регулювання таких процесів набуває особливої актуальності. Необхідно зосереджується на виявленні колізійних норм та прогалин у правовому полі України у співвідношенні з європейськими стандартами, а також на аналізі тенденцій розвитку інституту спільної сумісної власності у контексті визнання різних форм шлюбних союзів. У роботі висвітлено правові наслідки визнання або невизнання одностатевих шлюбів, особливості укладення шлюбів за релігійними канонами, а також визначено ризики обходу закону під час виведення майна з-під режиму спільної сумісної власності. Підкреслено важливість уніфікації законодавства та запровадження механізмів, які забезпечують баланс між приватними інтересами сторін і публічним порядком держави. Результати дослідження мають як теоретичне, так і практичне значення, зокрема для судової та нотаріальної практики у справах, ускладнених іноземним елементом.

У сучасному міжнародному приватному праві питання виведення майна зі спільної сумісної власності постає у зв'язку з динамічним розвитком сімейно-майнових відносин, глобалізацією та збільшенням кількості шлюбів із «іноземним елементом». Наявність відмінностей у правових системах держав, зокрема у визначенні правового статусу подружнього майна, створює складні колізійні ситуації, що потребують єдиних підходів до тлумачення та застосування норм. Проблема полягає в тому, що чинне українське законодавство, попри загальні принципи міжнародного приватного права, не забезпечує повного регулювання відносин щодо розподілу чи виведення майна у випадках змішаних або релігійних шлюбів, а також партнерств, які не визнаються традиційними формами шлюбу.

Ключові слова: *процесуальна юрисдикція, цивільне і господарське судочинство, позовне провадження, апеляційне провадження, касаційне провадження, касаційний суд, іноземний елемент, визнання та виконання судових рішень першої інстанції, шлюб, колізійна прив'язка.*

Рекомендоване посилання:
Мельниченко О. В. Спільна сумісна власність у транскордонних цивільних та комерційних провадженнях. *International Bulletin on Public Administration and Legal Affairs*. 2025. № 4 (6). С. 74–80. DOI: https://doi.org/10.32844/ibpala-2025-4.11

JOINT COMMON PROPERTY IN TRANSNATIONAL CIVIL AND COMMERCIAL PROCEEDINGS

Melnychenko Oksana Victorivna,
PhD in Law,
Associate Professor, Department of International
and Private Law, Kyiv University of Law of NAS of Ukraine
Kyiv, Ukraine
ORCID ID: https://orcid.org/0000-0003-1217-1950

The article is devoted to the study of the legal aspects of removing property from joint common ownership in private international law. In the contemporary context of active population mobility, the spread of transnational marriages, and the emergence of new legal formats of family-property relations, the issue of legal regulation of such processes acquires particular relevance. The research focuses on identifying conflict-of-law rules and legislative gaps in the legal framework of Ukraine in comparison with European standards, as well as on analyzing the development trends of the institution of joint common ownership in the context of recognition of various forms of marital unions.

The paper examines the legal consequences of recognition or non-recognition of same-sex marriages, the specific features of marriages concluded according to religious canons, and identifies the risks of circumvention of the law in the process of removing property from the regime of joint common ownership. Particular emphasis is placed on the importance of legislative harmonization and the introduction of mechanisms ensuring a balance between private interests of the parties and the public policy of the state. The results of the study have both theoretical and practical significance, especially for judicial and notarial practice in cases complicated by a foreign element.

In modern private international law, the issue of removing property from joint common ownership arises in connection with the dynamic development of family-property relations, globalization processes, and the growing number of marriages involving a foreign element. Differences between national legal systems, particularly in defining the legal status of matrimonial property, create complex conflict-of-law situations that require consistent approaches to interpretation and application of legal norms. The core problem lies in the fact that the current Ukrainian legislation, despite incorporating general principles of private international law, does not provide comprehensive regulation of property division or removal in cases of mixed or religious marriages, as well as partnerships that are not recognized as traditional forms of marriage.

Key words: *procedural jurisdiction, civil and commercial proceedings, action proceedings appellate proceedings, cassation proceedings, cassation court, foreign element, recognition and enforcement of judgments of the first instance courts, marriage, conflict-of-law rules.*

Relevance of the Topic

The relevance of researching international jurisdiction in civil and commercial cases involving a foreign element is обусловлена the rapid development of cross-border private-law relations, the globalization of economic activity, the digitalization of asset circulation, and the increasing mobility of natural and legal persons. The expansion of the range of subjects and objects of legal relations, particularly in the sphere of digital assets and new forms of entrepreneurial activity, objectively increases the number of disputes subject to consideration by courts of different states.

The removal of property from joint common ownership in cases involving a foreign element acquires particular significance in the context of cross-border civil and commercial proceedings. Unlike purely domestic disputes between co-owners, the cross-border nature of such legal relations necessitates resolving a complex set of procedural issues: determining international jurisdiction, establishing the proper venue, applying rules of international legal assistance, and ensuring the recognition and enforcement of judgments abroad.

Where co-owners of property are business entities, transnational corporations, or participants in corporate structures, a dispute concerning the removal of an asset may combine elements of corporate, contractual, and property law. In such cases, it becomes necessary to determine not only international jurisdiction but also the appropriate type of proceedings – civil or commercial.

State of Research on the Problem

Numerous related issues have been examined in academic literature and legal periodicals; however, the topic of joint common ownership within cross-border civil and commercial legal relations has not yet been addressed comprehensively. Related aspects have been explored by such scholars as V. O. Kozhevnikova, A. O. Barabash, P. V. Rufina, A. L. Paskar and others.

The purpose of the article

The purpose of the article is to examine the peculiarities of the legal regulation of joint common ownership in cross-border civil proceedings, the removal of property from joint common ownership in private international law, and the specific features of case consideration at various stages of judicial proceedings.

Issues concerning the division of matrimonial property and the legal regime of joint common ownership have been analyzed in the works of domestic and foreign scholars in civil and family law. Academic research has primarily focused on contractual regulation of marital relations, the principle of party autonomy, and conflict-of-law application. At the same time, insufficient attention has been paid to cases involving cross-border or religious elements, which require a comparative assessment of norms from different legal systems. Contemporary case law of the European Court of Human Rights and the courts of the European Union demonstrates a gradual expansion of approaches to recognizing the property rights of partners; however, Ukrainian legislation lacks harmonization with these standards.

Presentation of the Main Material

In the contemporary context of globalization and increasing population mobility, the issue of removing property from joint common ownership increasingly arises within the framework of private international law. Active migration, marriages between persons of different nationalities or citizenship, the existence of property abroad, and joint economic activities conducted across several jurisdictions create complex conflict-of-law situations. Traditional national approaches to regulating matrimonial property prove insufficient, as each legal system has its own model of the matrimonial property regime – ranging from universal community of property to separation of property or mixed systems.

The issue of removing property from joint common ownership in private international law is of a complex nature, as it combines norms of family, civil, and conflict-of-law regulation. The choice of applicable law, recognition of foreign prenuptial agreements, determination of the legal status of property acquired in different countries, and ensuring effective protection of the parties' rights in cross-border disputes constitute only part of the challenges requiring resolution. It is also important to note that private international law actively applies the principles of party autonomy and international cooperation between judicial and notarial authorities.

Thus, the study of removing property from joint common ownership in private international law is relevant not only from the perspective of national law-enforcement practice but also in the context of harmonizing Ukrainian legislation with European and international standards and norms. Such research makes it possible to identify the specific features and gaps in conflict-of-law regulation, assess the prospects of incorporating foreign experience, and determine optimal mechanisms for protecting the rights of spouses in cross-border legal relations.

The majority of scholars adhere to the view that private international law constitutes a branch of the national legal system. Proceeding from this understanding, its sources include, inter alia, the national legislation of Ukraine. In the field of private international law, the key legislative act governing private-law relations (civil, family, etc.) is the Law of Ukraine "On Private International Law" (Verhovna Rada, 2005).

Ukrainian legislation does not provide for the emergence of joint common ownership for all subjects of civil law. As a rule, joint common ownership arises for spouses, family members as a result of joint activity financed by common funds, as well as by agreement between other participants in civil legal relations. Such participants may include natural persons, legal entities, the state, and territorial communities.

On the one hand, within the framework of safeguarding and protecting the property interests of Ukrainian citizens, and on the other hand, the interests of EU citizens abroad, there is a pressing need for transparent regulation and broad interpretation of property relations between subjects of joint common ownership at the Ukraine-Europe level. For example, in the sphere of property relations, a person holding the legal status of an owner may find themselves unemployed and in a difficult financial situation, which raises additional concerns regarding the effective protection of property rights.

The lawful grounds for the acquisition of rights to joint common property (private property) include the modes of acquisition provided for in the Chapter 24 of the Civil Code of Ukraine (Verkhovna Rada, 2024), as well as the grounds stipulated in the Article 60 of the Family Code of Ukraine (Verkhovna Rada, 2004) (acquisition of joint common ownership by spouses), namely: the legal status of registered spouses, taking into account their contribution; the legal status of registered spouses regardless of their contribution to the joint property (including cases where one spouse is declared partially incapable, for example due to alcohol abuse, etc.); cohabitation of a woman and a man as one family without formal marriage registration.

Recent developments in the legal sphere of Ukraine demonstrate a gradual recognition of the need to regulate family-property relations in non-traditional legal formats – in particular, in cases of same-sex partnerships and marriages concluded under foreign or religious (Shariat) law. Such relationships increasingly become the subject of judicial decisions and public debate; however, they remain legally uncertain with regard to joint ownership, property rights, and the removal of property from the regime of joint common ownership.

In the summer of 2025, for the first time in Ukraine, a court recognized a same-sex couple as a de facto family, confirming the existence of shared household, mutual obligations, and material support. Although this decision did not produce direct property consequences, it became a precedent for discussing the issue of joint property of such partners. As noted in a publication by The Kyiv Independent (The Kyiv Independent, 2025), the ruling may serve as a step toward legislative regulation of the legal status of partnerships and the related property issues.

A legislative initiative in this direction already exists – Draft Law of Ukraine "On the Institute of Registered Partnerships"(Verhovna Rada, 2023), published by the Verkhovna Rada of Ukraine, provides for the possibility of granting partners, regardless of sex, rights to joint property, inheritance, social guarantees, and other family-property consequences. This reflects public recognition of the problem, while the current regulatory framework does not establish clear mechanisms for division or regulation of joint property of such couples.

Furthermore, in the judgment of the European Court of Human Rights in Maimulakhin and Markiv v. Ukraine (ECHR, 2023), it was held that the absence of legislative recognition of same-sex couples constitutes a violation of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The author emphasized that the lack of regulation of such relationships affects not only social but also property rights of partners. In light of Ukraine's international integration, this creates an obligation to adapt national family and civil legislation to European standards, including in matters of property rights.

In her doctoral research on countries recognizing same-sex marriages, V. O. Kozhevnikova (Kozhevnikova, 2020) concluded that "the concept of marriage acquires forms previously unknown to Ukrainian legislation: marriage as contract, marriage as status, or marriage as partnership." She further notes that the most widespread view in European legislation and doctrine is that traditional marriage constitutes a contract giving rise to personal and property rights and obligations of the spouses.

She also observes the following: "First, a jurisdiction that does not recognize same-sex marriage in its substantive law may deny any legal validity to such a marriage and, consequently, all property effects arising therefrom. Second, a jurisdiction that recognizes same-sex marriage in its substantive law may partially or fully recognize its property consequences. Third, a jurisdiction that does not recognize same-sex marriage in its substantive law but whose law provides for registered same-sex partnerships may downgrade such a relationship to the status of a partnership." Therefore, even jurisdictions that recognize same-sex marriage may only partially recognize its property consequences, thus not granting identical rights to partners and spouses.

Particular attention should be paid to the observation that a jurisdiction which does not recognize same-sex marriage in its substantive law may deny any legal validity to such a marriage and, consequently, all property consequences arising from it.

In particular, in France, the Netherlands, Italy, and other European countries that recognize same-sex marriages, the matrimonial property regime of community property applies to married couples.

The issue of opposite-sex marriage is traditionally classified as relating to the substantive conditions for the conclusion of marriage. "Substantive conditions for the conclusion of marriage are the requirements established by legislation or religious norms that determine the right and capacity of persons to enter into marriage. In our view, the substantive conditions for the conclusion of marriage are essentially marital capacity. The Family Code of Ukraine classifies as substantive conditions for marriage: attainment of marriageable age, legal capacity of the partners, free consent of the bride and groom, monogamy, opposite sex of the spouses, and the impossibility of marriage between persons in direct lineal kinship. None of these conditions can be considered universal. The legislation of different countries contains diverse and often contradictory requirements" (Barabash, 2024).

In contrast, other conditions are referred to by A. Barabash (Barabash, 2024) as formal conditions. "The Family Code of Ukraine classifies as formal conditions for marriage: state registration of the marriage; mutual awareness of the engaged persons about each other's state of health; and the personal presence of the engaged persons at the moment of marriage registration. Legislative acts of foreign countries may establish additional formal conditions".

Within the EU, Ukrainian citizens may register a same-sex marriage in states where such a right is recognized; however, such a marriage will not be considered valid in Ukraine in light of the aforementioned legislative provisions.

First, the Article 55 of the Law of Ukraine "On Private International Law" (Verkhovna Rada, 2005) refers the regulation of the substantive conditions of marriage to "the personal law of each of the persons entering into marriage." Thus, with regard to monogamy, the applicable law for a Ukrainian citizen will be Ukrainian law. In this case, the Article 58 of the same Law will apply.

Second, pursuant to the Article 58 of the Law of Ukraine "On Private International Law"(Verkhovna Rada, 2005), the rule of validity of marriage is established as follows: "A marriage between Ukrainian citizens, a marriage between a Ukrainian citizen and a foreigner, or between a Ukrainian citizen and a stateless person, concluded outside Ukraine in accordance with the law of a foreign state, shall be valid in Ukraine provided that, with respect to the Ukrainian citizen,

the requirements of the Family Code of Ukraine concerning the grounds for invalidity of marriage have been observed" (Verkhovna Rada, 2004).

The same Article further provides that: "A marriage between foreigners, between a foreigner and a stateless person, or between stateless persons, concluded in accordance with the law of a foreign state, shall be valid in Ukraine"(Verkhovna Rada, 2004). Therefore, this provision does not apply to Ukrainian citizens.

However, when applying paragraph 1 of the Article 58, the public policy exception must be taken into account. Public policy refers to the legal order of the state, its fundamental principles and foundations forming the basis of the existing constitutional and legal system. The public policy exception is a principle of private international law according to which, in regulating private-law relations complicated by a foreign element, the foreign law designated by a conflict-of-laws rule shall not be applied if there are grounds to believe that its application would lead to a violation of the forum state's public policy.

It is precisely for the purpose of ensuring conformity with public policy that paragraph 1 of the Article 58 of the Law of Ukraine "On Private International Law" (Verkhovna Rada, 2005) in conjunction with the Family Code of Ukraine concerning the grounds for invalidity of marriage, is applied to marriages between a Ukrainian citizen and a foreigner from a country recognizing same-sex marriage.

Under this system of conflict-of-laws regulation, it may be concluded that same-sex marriages involving a Ukrainian citizen and concluded abroad are not recognized as valid under Ukrainian law. This entails a number of negative civil-law consequences.

In light of the above, a marriage shall not be valid in Ukraine if the requirements of the Family Code of Ukraine concerning the grounds for validity of marriage have not been complied with in respect of the Ukrainian citizen.

The Article 64 of the Law of Ukraine "On Private International Law" (Verkhovna Rada, 2005) provides that the invalidity of a marriage concluded in Ukraine or abroad shall be determined by the law applicable pursuant to the Articles 55 and 57 of that Law. The Article 55 refers to the requirements of the Family Code of Ukraine. The Article 45 of the Family Code enumerates the consequences of invalidity of marriage. Accordingly, an invalid marriage does not constitute grounds for the emergence of rights and obligations between the persons who registered it that are established for spouses. Part two of that Article explicitly provides that property acquired during an invalid marriage shall be considered as belonging to the persons concerned on the basis of common shared ownership, and the size of their shares shall be determined according to their respective contribution to the acquisition of such property by their labor and funds.

Thus, the detailed procedure described above for the conclusion of marriage and its recognition as invalid in private international law may intentionally be used as one of the unlawful methods of removing property from the regime of joint common ownership of spouses. In other words, spouses or persons equated to them in terms of property rights and obligations, or one of them, may use the described conflict-of-laws mechanism to successfully separate their share from joint common property.

The legislation of Ukraine and many European states where Ukrainian citizens reside provides for the legal regime of joint common ownership of spouses, as opposed to the regime of common shared ownership.

Such application of conflict-of-laws rules by spouses may fall within the concept of "evasion of the law" as defined in the Article 9 of the Law of Ukraine "On Private International Law" (Verkhovna Rada, 2005). This Law provides a rather broad definition of evasion of the law; however, it contains certain shortcomings. In particular, Article 9 does not take into account the fact that the Family Code and other legislative acts containtheir own conflict-of-laws rules. It remains unclear whether the application of law pursuant to those provisions would constitute evasion of the law or not.

A separate legal complexity arises with respect to marriages concluded under religious (in particular, Muslim) rites, where there is no clear correlation between traditional Sharia norms and the provisions of Ukrainian law on joint common ownership. Such cases, especially in mixed marriages between Ukrainian citizens and foreign Muslim nationals, create conflicts in determining the applicable law to property relations and hinder the effective division of property or proper legal regulation of the removal of assets from the regime of joint common ownership. Existing judicial practice addresses these issues only partially, which confirms the need for further research.

Such marriages are often concluded between citizens of different states, creating a complex interaction between national and religious legal orders. Within the Ukrainian legal framework, such relationships acquire the status of "marriages with a foreign element"; however, the absence of clear legislative guidance regarding the property regime of assets acquired during such marriages leads to difficulties related to the removal of property from joint common ownership. A prenuptial agreement in Ukraine is not equivalent in its legal nature and consequences to a marital contract under Muslim law.

European judicial practice also demonstrates divergences in the recognition of such agreements. For example, in Radmacher v. Granatino, the court partially recognized a marital agreement concluded in accordance with Muslim traditions, but emphasized that it must not contradict principles of fairness and gender equality.

In the Ukrainian context, similar situations remain legally challenging. In most cases, courts

refuse to recognize religious marriages that lack state registration, which automatically excludes the application of the rules governing joint common ownership. Consequently, persons in such unions are effectively deprived of the possibility to protect their property rights in the event of dissolution of the relationship or death of one of the partners. This indicates the need to create a legal mechanism that would allow recognition of the consequences of such marriages within the civil-law framework and ensure the possibility of fair removal or allocation of property.

A marriage between a citizen of Ukraine and a Muslim spouse, as noted above, constitutes a relationship with a foreign element. During the marriage, such a couple may acquire property either in Ukraine or in another state, including a Muslim-majority state.

The marriage may be registered in Ukraine or concluded under religious canons in a Muslim state. In certain states, the form of marriage is determined imperatively, and non-compliance with formal requirements results in invalidity. For that reason, marriages are often concluded in both jurisdictions. Where the marriage is concluded in Ukraine, Ukrainian law applies to the formal conditions of marriage, as previously stated.

Pursuant to the Article 61 of the Law of Ukraine "On Private International Law" (Verkhovna Rada, 2005) "In the absence of a choice of law by the spouses, the property consequences of marriage shall be determined by the law applicable to the legal consequences of marriage." The Article 60 of the same Law provides that "The legal consequences of marriage shall be determined by the spouses' common personal law, and in the absence thereof, by the law of the state in which the spouses had their last common residence, provided that at least one of them still resides in that state; in the absence of such, by the law of the state with which both spouses are most closely connected" (Verkhovna Rada, 2005).

Between a Muslim spouse and a Ukrainian spouse there is no common personal law. In the absence of a voluntary choice of law, only two conflict-of-laws connecting factors remain possible: the law of the last common residence or the law of the state with which the spouses have the closest connection.

Due to this limited choice and the mandatory rules of Muslim law, women in particular risk being deprived of lawfully acquired joint common property.

The issue of removal of property from joint common ownership in cases involving a foreign element cannot be fully examined without considering the procedural framework of its implementation – namely, cross-border civil or commercial proceedings. While at the domestic level the termination of the regime of joint common ownership primarily involves determining the appropriate remedy and applying the relevant substantive norms, in cross-border legal relations primary importance is attached to establishing international jurisdiction and the proper procedural competence of the court.

In civil disputes between individuals, the cross-border element may arise from different citizenship of the parties, their place of residence, the location of the property, or the conclusion of transactions outside a single state. However, in the sphere of commercial legal relations, the complexity significantly increases. Where co-owners of property include business entities, transnational companies, or participants in corporate structures, a dispute concerning the removal of assets may combine corporate, contractual, and proprietary elements.

In such cases, it becomes necessary to determine not only international jurisdiction but also the appropriate type of proceedings – civil or commercial.

Particular attention should be paid to situations where joint common property is used in entrepreneurial activity or forms part of commercial circulation (for example, real estate, shares in charter capital, (integrated property complexes, digital assets). The removal of such property may affect the rights of creditors, business partners, or other participants in commercial relations, thereby imparting a public-law dimension to the dispute. Accordingly, the issue of jurisdiction acquires a complex character and requires consideration of the principle of specialization of judicial proceedings.

In cross-border commercial proceedings, significant importance is attached to party autonomy in choosing the court, where such possibility is provided by law or an international treaty. At the same time, the exercise of this principle must not violate mandatory rules of international jurisdiction or exclusive jurisdiction over specific categories of property. An incorrect determination of jurisdiction may lead to refusal of recognition and enforcement of a judicial decision in another state, thereby nullifying the very result of judicial protection.

The procedural dimension of such disputes is not limited to the stage of commencement of proceedings. Substantial importance is attached to provisional measures, the taking of evidence abroad, the application of procedural coercive measures, and coordination with mechanisms of international legal assistance. In commercial disputes involving substantial assets or corporate rights, the timely application of interim measures may determine the effectiveness of the entire proceeding.

Particular attention should also be devoted to the appellate and cassation review stages in cases of this category. It is at the cassation level that legal positions are formed regarding the criteria for attributing a dispute to a particular jurisdiction, the limits of application of private international law norms, and the delineation between civil and commercial procedure. Cassation review performs the function of ensuring the unity of judicial practice in cross-border disputes, minimizes the risks of divergent interpretation, and enhances predictability in legal application.

Thus, disputes concerning the removal of property from joint common ownership in cross-border civil and commercial proceedings should be regarded as a complex phenomenon in which substantive and procedural aspects are closely intertwined. The effectiveness of judicial protection depends not only on the correct determination of the legal regime governing the property but also on the proper establishment of international jurisdiction, the appropriate type of proceedings, and the stability of cassation practice. In this context, cross-border proceedings emerge as a mechanism for reconciling the private interests of co-owners with the requirements of public policy and the principles of international judicial cooperation.

Conclusions

The conducted research confirms that the institution of joint common ownership within private international law requires substantial modernization. The removal of property from this regime is complicated by conflicts between national, religious, and contractual norms. Particular attention must be given to situations where the parties are citizens of different states or are in partnership relationships not recognized by Ukrainian legislation as marriage. The absence of a unified approach to determining the legal status of such property creates risks of abuse, including evasion of the law.

An important step forward would be the development of a mechanism ensuring mutual recognition of prenuptial agreements and the legal consequences of unions concluded outside Ukraine, without violating principles of public policy. Proper legal regulation and harmonization of conflict-of-laws and substantive norms governing such relationships would contribute to strengthening legal certainty and protecting citizens' property rights within a globalized legal environment.

Further scholarly research should be directed toward a comparative analysis of EU member states that have already harmonized mechanisms for the distribution of matrimonial property, as well as toward developing models for the application of foreign law within Ukrainian judicial practice. Such research would provide a foundation for the formation of a comprehensive approach to international family-property relations consistent with contemporary legal developments and Ukraine's European integration strategy.

References

HUDOC. Maimulakhin and Markiv v. Ukraine (Application no. 71427/17) (2023). URL: https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-230201%22]}

Ukrainian Court Recognizes Same-Sex Couple as a Family for the First Time (2025). URL: https://kyivindependent.com

Барабаш, А. & Пода, Р. (2024). Колізійні питання оформлення шлюбу в міжнародному приватному праві. *Дніпровський науковий часопис публічного управління, психології, права,* 5, 156–161.

Закон України «Про міжнародне приватне право» №2709-IV (2005). URL: https://zakon.rada.gov.ua/laws/show/2709-15#Text

Кожевникова, В. (2010). Правове регулювання укладення шлюбів громадянами України у державах Європейського Союзу та їх визнання в Україні [Автореф. дис. канд. юрид. наук. Харківський національний університеті внутрішніх справ].

Проєкт Закону про інститут реєстрованих партнерств (2023). URL: https://itd.rada.gov.ua/billinfo/Bills/Card/41497

Сімейний кодекс України № 2947-III (2002). URL: https://zakon.rada.gov.ua/laws/show/2947-14#Text

Цивільний кодекс України № 435-IV (2003). URL: https://zakon.rada.gov.ua/laws/show/435-15