ADAPTATION OF THE CIVIL LEGISLATION OF UKRAINE IN THE FIELD OF INHERITANCE WITH EU LAW

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Abstract

This article studies the directions of adaptation of the civil legislation of Ukraine in the field of inheritance with EU law, as well as the institution of inheritance in Ukraine. The purpose of this article is to study and determine the main directions and conditions for adapting and approximating the Ukrainian civil legislation regulating inheritance in relation to the law of the European Union countries. The methods used to study this topic include: the dialectical method, legal recognition method, comparative legal method, formal legal method, historical method, hermeneutical method, structural and functional method. During the research, the concepts of "inheritance" and "adaptation" were defined; the history of the development of inheritance relations was studied, from the regulation of Roman law to the present; the characterization of the institute of inheritance law in Ukraine, including its main components; the directions of adaptation of national legislation in the field of inheritance to the legal standards of the European Union countries were determined. The practical significance of the results obtained is expressed in the possibility of applying the scientific provisions and conclusions of the article for further improvement of legislation in the field of inheritance, as well as effective adaptation of Ukrainian legislation in the field of inheritance to the standards of European Union law.

Keywords: *inheritance; composition of inheritance; testator; heir; inheritance legal relations; last will and testament, Ukraine, European Union*

1. Introduction

Since gaining independence, Ukraine has taken a course towards European integration which calls for the implementation of several reforms and changes in legislation, as well as the adaptation between national legislation and EU legislation. In recent years, there has been a tendency to introduce international legal institutions and international experience into national legislation that regulates a particular field of activity, which, in turn, requires careful scientific research to help adapt the national legislation of Ukrainian to European realities (Borshch, 2020).

In Ukraine, there is a significant regulatory framework for the issues of adaptation of national legislation to EU legislation, including the concept of the Ukrainian national legislation adaptation program to EU legislation, approved by Law of Ukraine No. 228-IV of 21.11.2002 (Law of Ukraine..., 2002); the legislation adaptation concept of Ukraine to EU legislation, approved by Resolution of the Cabinet of Ministers of Ukraine No. 1496 of 16.08.1999 (Resolution of the Cabinet of Ministers of Ukraine of 16.08.1999 ministers of Ukraine..., 1999); the national program for adapting the legislation of Ukraine to EU legislation, approved by the Law of Ukraine of 18.03.2004 (Law of Ukraine..., 2004). Harmonization, adaptation, and bringing the legislation of Ukraine to the standards of the legislation of the European Union, where one of the key areas is occupied by private law, is of great importance in the implementation of European integration activities (Kukhariev, 2021; Sannikov, 2017). If we consider the historical development of harmonization and unification of civil legislation, this process is quite complex, primarily due to the specifics of civil legislation. One of the most difficult institutions of civil legislation, in terms of changes, is the sphere of inheritance law (inheritance relations) (Dieter, 2014; Havrik, 2021).

Among the institutions of modern civil law in Ukraine, inheritance law occupies an important place. The institute of inheritance law regulates the disposal of property belonging to a person in the event of his or her death, which can be expressed in two types: with or without a will, i.e., inheritance by law. A. E. Sukhanov noted that inheritance law was a derived right from the existing array of all legal norms, which in turn regulate property rights (Green, 2014).

Adaptation of the legislation of Ukraine in accordance with the legislation of the European Union provides for the adoption and implementation in national legislation of legal acts developed in accordance with EU legislation. Adaptation of legislation is not a one-time action, but a certain sequence of stages based on which changes are made to the existing legal order of the country, and which is interrelated with other elements, leading, in turn, to the development of the country's legal system. When making decisions on adapting legislation, each country independently chooses its own path of development (Karmaza, 2020; Kondratenko et al., 2020). Recently, less scientific work has been devoted to the study of the adaptation of Ukrainian civil legislation in the field of inheritance to the law of the European Union, although there is every reason to assert the relevance of this area of research,

the particularly intensive interstate movement of persons, capital movement, finding inherited property outside the country, the death of a person outside the territory of the country to which such a person belongs, which in turn leads to an increase in the number of private law relations in the field of inheritance relations with the participation of a foreign element (Dutta, 2014; Gozhiy, 2018). Therefore, to solve the above problems, a detailed and comprehensive study of this topic needs to be conducted and suggestions need to be made as to ways to solve and improve legislation in the field of inheritance and adaptation of Ukrainian legislation to the legislation of the European Union to fully protect and consolidate the interests of both testators and heirs (Borysova et al., 2019; Ilchenko, 2020;).

Among the problems in the field of inheritance, there are no serious scientific developments that would regulate the sphere of inheritance relations which concerns the features of inheritance and inheritance relations. One of the important problems of inheritance law is the insufficient regulation of certain objects of inheritance composition. In addition, is the problem of evaluating a property that belongs to the composition of inheritance, as well as determining the composition of inheritance (Zaborovskyy et al., 2021). The problem of assessing and determining inheritance arises when distributing inherited property among all heirs, as well as when taxing inheritance and calculating the fee that is paid when issuing a certificate of inheritance rights (Kukharev, 2019; 2021).

The research problem addressed in this study is the adaptation of Ukrainian civil legislation in the field of inheritance to the law of the European Union. The significance and relevance of the study lie in the ongoing process of European integration that Ukraine has embarked upon, which requires the implementation of reforms and changes in legislation to align with EU standards. As Ukraine aims to harmonize its legislation with that of the EU, careful scientific research is necessary to understand and adapt the national legislation to European realities. The study focuses on the complex area of inheritance law, which is particularly challenging to harmonize due to its specificities. Additionally, there is a lack of comprehensive scientific work on the adaptation of Ukrainian civil legislation in the field of inheritance to EU law, despite the increasing cross-border movement of individuals and property, necessitating the examination of private law relations in the inheritance with foreign elements. The study aims to fill this gap by conducting a detailed and comprehensive analysis of inheritance law and proposing improvements to the legislation to protect the interests of both testators and heirs. By addressing these issues, the study contributes to the development of Ukraine's legal system and facilitates its integration into the European Union.

2. Materials and Methods

Among the research methods of this article, we should distinguish general theoretical and special legal methods of scientific knowledge. The research will use the following methods: the dialectical method, which leads to

a theoretical and practical study of the issue of adaptation of the civil legislation of Ukraine in the field of inheritance with EU law, as well as the concept, content and significance of adaptation of national legislation to the standards of European Union law; a comparative-historical method that reveals the general and special historical development of the right to inheritance; a comparative-legal method that compares legal systems and their features in the regulation of inheritance relations; abstract-logical method to study the prerequisites for the formation and development of hereditary relations in states, as well as the prerequisites that contribute to the formation of this institution; the formal legal method of research, the analysis of the legal nature and structural elements of hereditary legal relations; the system method by which the range of problems studied was determined and proposals for their solution were developed; and, finally, the hermeneutical method, which was used to reveal the essence of the concept of "adaptation".

To study this problem, the author used a number of legal acts and scientific research in the field of inheritance. The history of the establishment of the Institute of Inheritance in the territory of Ukraine was studied. The analysis was used to study the regulation of inheritance in Ukraine and the features contained in this institute of civil legislation. Using a detailed study of the legislation of the European Union countries, a comparison with Ukrainian law was made and ways to adapt Ukrainian legislation in the field of inheritance to the realities of European Union law were proposed.

3. Results and Discussion

The emergence of inheritance law is associated with the emergence of private property, which was developed within Roman law. The study of the issue of adaptation of the civil legislation of Ukraine in the field of inheritance to EU law requires studying the formation and development of this institution on the territory of Ukraine. The development of Ukrainian legislation in the field of inheritance can be divided into several stages:

– customary law of the ancient Slavs;

– influence of Roman law on the formation of inheritance law;

– classical sources of Law of Kyivan Rus;

– the right of the Grand Duchy of Lithuania and the Polish-Lithuanian Commonwealth, which eventually developed into the right of the Zaporozhian Sich and the Zaporozhian Host;

– the period of the revival of Ukrainian statehood, 1917-1920.;

– the law of the Ukrainian Soviet Socialist Republic, 1917-1991.;

– modern inheritance law of Ukraine (Serednytska, 2018).

The basic principle of inheritance traces its roots back to patriarchal families, where certain property would enter a state of abeyance upon the death of its owner. This situation led to the claims losing their creditor and the debts falling upon the debtor. Initially, the practice of "hereditas testamentaria" was not prevalent, but it gradually emerged and gained traction over time. The

inheritance laws in Ukraine and other countries following the Romano-Germanic legal system owe their existence and development to Roman law. Roman law introduced the concept of inheritance as the transfer of rights, obligations, and the object of inheritance from a deceased person (testator) to an heir. The completion of hereditary relations was defined in Justinian's digests, which provided a framework for inheritance based on the law and necessary inheritance (Mykhailiv, 2020).

Ukraine, until 1991, was not independent and the legislation of the countries to which it belonged and to which it was subject had a significant impact on the formation of its legislation, including inheritance relations. For the first time in Ukrainian lands, inheritance is mentioned in the IX-XII centuries, namely in lessons, princely and church institutions, treaties between Russia and the Greeks, as well as in the collection of law by Yaroslav the Wise "Russkaya Pravda". Russkaya Pravda was precisely the main document of that time, which to a certain extent regulated hereditary relations, which was understood as "property", i.e., a subject of inheritance that passed from the deceased person. It also contained a list of objects that could be part of the inheritance: goods, a house, cattle, moving things, and a yard. At that time, inheritance under a Will was the same as inheritance under the law, since those persons who would have received an inheritance in one way or another could inherit under a will, that is, it can be argued that inheritance under a Will was identical to inheritance under the law. Russkaya Pravda defined inheritance only after parents, that is, it did not contain other testators, and the preference to be heirs was also given to sons and, accordingly, daughters had limited inheritance rights (Serednytska, 2018).

The next stage in the development of hereditary relations is considered to be the period of the Lithuanian reign. This period is characterized by the fact that Yaroslav the Wise's Russkaya Pravda was replaced by Lithuanian charters. In the Lithuanian charter, a special place was also given to hereditary relations, namely inheritance by Will. The primary right to make a Will was granted to persons of a noble family, and then to Philistines and ordinary people, who in turn had to be of sound mind and good memory to make a will. The Lithuanian charter defined the procedure and conditions for making a will, namely during your stay on the road, in war, or during your stay on a "foreign land". The next period of the formation of hereditary relations should be considered the Moscow period. The corresponding period of inheritance is characterized by a change in the circle of persons who can be heirs, namely, heirs can be not only close relatives but also distant ones (Mykolenko, 2016).

Peter I, in 1714, adopted a decree according to which the inheritance passed to one son, since, in his opinion, the division of property into several parts reduces the economic value of property. Also, this decree abolished inheritance by Will, which led to public resistance, and as a result, a corresponding decree was adopted in 1731. In the Moscow period of the formation of inheritance law, the main act of regulating inheritance relations was the Code of Laws of the Russian Empire. At this stage, it was possible to inherit property not only after the death of a person but also in case of

deprivation of the state and all rights, determination of the person as missing and tonsuring as a monk. The next stage should be considered the Soviet era, during which the formation of inheritance law had trouble. At the second all-Ukrainian Congress of Soviets of Workers, peasants ', and Soldiers' Deputies, which took place on March 19, 1918, temporary regulations on the socialization of land were adopted. Article 1 of this temporary provision stated that "all ownership of land, mineral resources, waters, forests and living forces of nature within the Ukrainian Soviet Republic is abolished forever." The result of the adoption of the above provision was the adoption of the decree of the All-Russian Central Executive Committee of the Russian Soviet Federative Socialist Republic "on the abolition of inheritance", that is the abolition of inheritance of private owners took place, which, in turn, led to the fact that the wife, disabled relatives, brothers, and sisters had only the right to receive social support at the expense of inherited property and such maintenance should not exceed the subsistence minimum (Nelin, 2014; Haliantych et al., 2021).

In the Ukrainian Soviet Socialist Republic, the first Civil Code was adopted by a decree of the All-Ukrainian Central Executive Committee in 1922 and entered into force in 1923. The civil code consisted of four sections and the fourth section was called "inheritance law". According to this code, it was possible to inherit for a maximum (of 10 thousand rubles in gold after deducting the debts of the deceased). After the collapse of the USSR and after the adoption of the Constitution of Ukraine in 1996, the gradual construction of a legal and Democratic state began, as well as the reorientation of Public Relations, which are designed to protect and protect the rights and freedoms of citizens, which led to the reform of legislation, including inheritance law (Yaroshenko et al., 2019). In 2003, a new Civil Code of Ukraine was adopted, which made significant changes to the Civil Code of the Ukrainian SSR. The new civil code contained, in particular, the following changes: the appearance of a new right – the conclusion of a will of spouses; an increase in the number of inheritance queues according to the law, namely, in the Civil Code of the Ukrainian SSR there were two queues, and in the New Civil Code – five; the possibility of concluding a will with a condition and a secret will, and so on.

In Ukraine, mainly the Civil Code of Ukraine regulates the sphere of inheritance. According to the Civil Code of Ukraine, inheritance should be understood as the transfer of rights and obligations (inheritance) from an individual who has died (testator) to other persons (heirs) (Civil Code of Ukraine, 2003). The Civil Code of Ukraine defines the composition of the inheritance, according to which the rights and obligations that belonged to the testator at the time of opening the inheritance and did not stop due to his death can be transferred to the inheritance. In addition, the Civil Code fixed what cannot be inherited, namely: the right to compensation for damage caused by injury or other damage to health; personal non-property rights that are inextricably linked with the testator's person; the right to participate in societies and the right to membership in Citizens' Associations; the right to alimony, assistance, pension or other payments that are established by law; the rights and obligations of a person as a creditor or debtor (Civil Code of Ukraine, 2003).

According to the civil legislation of Ukraine, the testator can only be an individual, but the transfer of rights and obligations of a legal entity is not regulated in the Civil Code of Ukraine, but is regulated by other legal norms that are not related to inheritance law. Heirs can be both individuals and legal entities, and the state and other subjects of public law can also act as an heir. Unlike a legal entity and other subjects of public law that can act as heirs, if this is directly indicated in the testator's will, an individual can be an heir both by law and by Will. The circle of heirs also includes the testator's children who were conceived during the testator's lifetime but were born after his death (Pavlova, 2020). The Civil Code of Ukraine defines persons who cannot have the right to inherit, namely persons who intentionally prevented the testator from making a Will, making changes to it, or canceling the Will and thereby contributed to the emergence of the right to inherit from themselves or other persons or contributed to an increase in their share in the inheritance, as well as persons who intentionally deprived the life of the testator or persons who had the right to inherit and also made an attempt on their lives. Also, according to the legislation of Ukraine, parents who were deprived of parental rights in respect of a child acting as a testator, as well as parents (adoptive parents) and adult children (adopted children), and other persons who evaded the obligation to maintain the testator, cannot be heirs under the law, if this circumstance is established by a court (Civil Code of Ukraine, 2003).

Inheritance in Ukraine is carried out in two types: by law and by Will. Inheritance under a will occupies a dominant place compared with inheritance under the law because the testator expresses its will regarding the disposal of its property, rights, and obligations in the event of its death. Inheritance under the law is possible in the case when there is no will or the heir refused to accept the inheritance, or the Will was declared invalid in whole or in a separate part of it, the Will does not cover the entire inheritance of the testator, as well as in the case of removal from the inheritance of the heir, which is defined in the will. In connection with the introduction of martial law, a number of important changes were made to the legislation governing the inheritance process. The legislator has significantly simplified the procedural requirements, thus providing the necessary conditions for the protection and defense of the inheritance rights of citizens under martial law. First and foremost, the changes affected the timeframe for accepting an inheritance.

In peacetime, the period for accepting or refusing to accept an inheritance was 6 months from the date of opening the inheritance (death of the testator). During the period of martial law, the said period is suspended, but not for more than 4 months. Thus, the period for acceptance or rejection of inheritance has been extended to 10 months. These rules are outlined in the Resolution of the Cabinet of Ministers of Ukraine "Some Issues of Notaries' Activities under Martial Law" No. 164 dated February 28, 2022 (as amended) and are valid until the martial law is lifted or terminated. Registration of rights to inheritance property, namely the issuance of certificates of inheritance to heirs, is carried out by a notary after the expiration of the specified period. The procedure for opening an inheritance case has also undergone certain changes. Under martial

law, the principle of extraterritoriality applies, which means that an inheritance case is opened at the request of the applicant by any notary of Ukraine, regardless of the place of opening the inheritance.

There are two main systems of inheritance law in the world. The first is inherent in the law of continental Europe, and the second is inherent in Anglo-Saxon law, and, accordingly, its dependent countries. The difference between these two systems is that in the first case, the inheritance passes directly to the heir, and in the second case, first to the third person, and only later to the heir. In continental Europe, the field of inheritance adheres mainly to French or German law (Pavlov-Samoil & Mekh, 2018). Among the factors that determine the presence of a foreign element in hereditary relations, we can distinguish:

1) availability of inherited property outside the state;

2) the presence of foreign citizenship in a person who is the testator, if such a person permanently resided in the territory of this state;

3) the fact of permanent residence of a person who is the testator on the territory of another country.

The above factors raise many issues for national authorities operating in the field of inheritance, the solution of which is primarily complicated by differences in the regulation of inheritance relations in different jurisdictions (Kysil, 2013; Kumisbekova et al., 2019).

In 2012, the Council and the European Parliament adopted Regulation No. 650/2012 on the jurisdiction, the law applied, the recognition and enforcement of decisions, the adoption and implementation of authentic instruments on inheritance issues, and the establishment of a European certificate of inheritance. The adoption of this regulation was an important step toward resolving conflict-of-laws rules. The scope of the regulations applies to all aspects of the civil nature of regulating inheritance relations, namely, the transfer of property that is the subject of inheritance, regardless of the method of such transfer, voluntary based on the testator's order or in the case of inheritance without a will, that is, inheritance by law. Adaptation of Ukrainian civil legislation in the field of inheritance to EU law should be distinguished from mechanical borrowing and adoption of certain legal norms of the legislation of EU countries regulating inheritance. Adaptation of Ukrainian civil legislation in the field of inheritance to EU law should be carried out in two main directions. The first direction of adaptation of national legislation in the field of inheritance in accordance with EU law is characterized by the fact that it concerns the rights and inheritance status of the testator's children who are conceived after the opening of the inheritance.

With increasing globalization and mobility, cases involving cross-border inheritance have become more common. If Ukrainian laws do not adequately address the complexities of cross-border inheritances, such as assets located in different jurisdictions or conflicts of laws, it can lead to legal uncertainties, delays, and disputes for individuals with international connections. The EU has developed regulations, such as the Succession Regulation (EU) No 650/2012, which establishes rules for determining the applicable law and jurisdiction in cross-border succession cases. Comparing the challenges faced in cross-border

inheritance cases in Ukraine with the solutions provided by EU laws can illustrate the need for similar provisions in Ukrainian legislation. Inheritance laws should consider the protection of vulnerable heirs, such as minors, individuals with disabilities, or economically disadvantaged family members. Inadequate provisions in Ukrainian law may fail to provide appropriate safeguards for these vulnerable individuals, potentially leading to their exploitation or exclusion from their rightful inheritance. Studying the measures implemented by the EU to protect vulnerable heirs, such as provisions for guardianship, mandatory portions for close family members, or restrictions on disinheritance, can highlight the insufficiencies in the present Ukrainian norms and the importance of adopting similar protective measures.

On March 24, 2023, the Annual Report on the Implementation of the EU-Ukraine Association Agreement (hereinafter - the Annual Report) was published, which states that Ukraine has already fulfilled 72% of the obligations under the Association Agreement. In 2022, the overall progress in the implementation of the Association Agreement between Ukraine increased by 9%, which means that we can talk about an overall positive trend. However, it should be noted that in the area of "Social Policy and Labor Relations" the overall progress in fulfilling the requirements is only 54%, which is one of the lowest among other areas, and in the area of "Justice, Freedom, Security, and Human Rights" - 91%, which is one of the highest indicators (Annual Report…, 2023).

When determining the circle of heirs, legislators of different countries try to find an appropriate balance between providing close relatives and family members of the testator and considering its will, which was not expressed in the Will due to certain circumstances. Outside the regulatory regulation of inheritance relations, the hereditary and legal status of a child who was conceived after the death of the testator through the use of assisted reproductive technologies remained, since the possibility of inheritance by these persons is excluded by Ukrainian legislation after the opening of the inheritance. The above problem becomes relevant also because the latest technologies in the field of Medicine raise questions and grounds for considering the conception of a child differently after the death of parents or one of the parents, but accordingly there is a problem of resolving the issue of inheritance by a child.

Recognition of inheritance rights for persons who were conceived after the death of the testator is determined by two main reasons (factors). First, the consolidation of inheritance rights for these persons is due to the implementation of the principle of freedom of Will, which proceeds from the fact that the testator has the right to appoint independently an heir among persons included in the circle of heirs, as well as any other individuals or legal entities. Secondly, such consolidation is due to the granting of a person's consent to posthumous reproduction, as the exercise of his personal non-property right to reproductive choice. The legislation of many countries regulates the issue of inheritance of children born because of postmortem reproduction, i.e., using assisted reproductive technologies. Thus, the Spanish legislation on auxiliary methods of human reproduction, according to which it

becomes possible to use reproductive material after the death of a man for twelve months for fertilization, which later causes legal consequences arising from family origin. There is a rule according to which the use of reproductive material after death is possible only with the consent of the spouse, which must be expressed in writing in a will or special document. Accordingly, such children will be considered conceived during the testator's lifetime and born after his death (Cámara, 2013).

According to German legislation regulating inheritance relations, namely German civil law, a person who was not conceived at the time of opening the inheritance, but who was appointed heir to the inheritance, is considered an additional heir, unless he proves otherwise. There is an exception to this rule, if the appointment of an additional heir does not correspond to the will of the testator, then such appointment should be considered invalid. Also, according to this conclusion, before the birth of a child conceived after the death of the parents or one of the parents, those heirs who are recognized as such by law should be recognized as heirs (German Civil Code, 1900). According to the above, the issue of revising civil legislation in the field of inheritance and supplementing legal norms regulating inheritance relations with norms that would assign inheritance rights to persons conceived after the death of the testator through the use of assisted reproductive technologies is relevant. The second direction of adaptation of Ukraine's EU law consists in expanding the scope of contractual structures and institutions that relate to inheritance law.

EU legislation shows a clear trend towards increasing freedom of Will and reducing the rights of persons acting as mandatory heirs. Thus, in accordance with the changes that were made in 2010 to the German Civil Code (1990), there was an increase in the grounds that deprived heirs of the right to a mandatory share in the inheritance. Among the changes that were made to the German Civil Code (1990), it is also necessary to highlight the restriction of the heir in the right to increase the mandatory share in the inheritance, provided that the testator made a gift in favor of a third party, and in accordance with these changes, there was an expansion of the rights of heirs to delay the reimbursement of the cost of the mandatory share, but such a postponement of compensation should be accepted by a court specializing in the resolution of inheritance cases. The Spanish Civil Code stipulates that a share in the inheritance can be paid in cash to preserve the business, control the capital of the corporation, and preserve the integrity of the enterprise (Spanish Civil Code, 2016).

There is also such a thing as a "contract for the refusal of a mandatory share in the inheritance". According to this agreement, a person acting as a testator can offer a person who has the right to a mandatory share in the inheritance to refuse this inheritance; in return, the testator must pay such a person a sum of money (Kukhariev, 2019). It would be advisable to introduce this provision into the legislation of Ukraine, since this may lead to the preservation of the integrity of the object of inheritance, as well as help to settle and avoid any disputes regarding the distribution of inheritance after the death of the testator. Expansion of contractual structures is also possible with the

introduction of a donation agreement at the expense of the inheritance mass. This agreement is common for European countries, and it means the promise of donation of property that is in the inheritance mass, but on condition that the person to whom the property is donated survives the donor (testator) and the donee is subject to the rules on disposal. The introduction of the above-mentioned contract into the National Civil legislation regulating the sphere of inheritance will ensure the interests of both the testator and the heirs, as well as provide an opportunity for the heir to receive a certain property benefit before opening the inheritance. In turn, this will provide the testator with the opportunity to reduce the share of the gifted person or deprive him of such a share and therefore preserve the integrity of the subject of inheritance.

However, problems may arise which may follow the adaptation of Ukrainian inheritance law to EU standards. These include a broader reform of inheritance law, restrictions in contract law, and the possibility of abuse and fraud. One challenge is the need for broader inheritance law reform. As Ukraine aligns its legislation with EU standards, it may require significant changes to the existing legal framework governing inheritance. This reform may involve addressing gaps or inconsistencies in the law, harmonizing definitions and concepts, and ensuring compatibility with EU inheritance regulations. Such comprehensive reform can be complex and time-consuming, requiring careful consideration of various legal aspects and stakeholder interests.

Another challenge lies in potential limitations within contract law. The introduction of contractual structures, such as the "contract for the refusal of a mandatory share in the inheritance," may face challenges in terms of enforceability and legal validity. Contractual provisions related to inheritance must be carefully drafted to ensure fairness and avoid undue influence or coercion. Balancing the freedom of individuals to make choices regarding their inheritance with the need to protect vulnerable parties, such as potential heirs who may be pressured to waive their rights, is a crucial consideration in this context. Moreover, the potential for abuse and fraud in the context of inheritance should be addressed. As the adaptation of inheritance legislation progresses, there is a risk of unscrupulous individuals taking advantage of loopholes or ambiguities in the law for personal gain. Measures must be put in place to prevent and detect fraudulent activities, such as improper manipulation of inheritance arrangements, forged documents, or misrepresentation of assets. Strengthening legal safeguards, implementing effective oversight mechanisms, and promoting transparency and accountability in the inheritance process are essential to mitigate these risks.

4. Conclusions

Based on the research conducted in this article, several conclusions can be drawn. The adaptation of the civil legislation of Ukraine in the field of inheritance to the law of the European Union is a complex and multi-stage process. It involves the adoption and implementation of legal acts in accordance with EU legislation and requires continuous improvements and changes to the existing legal order of the state. The concept of "inheritance" and "adaptation" were defined, and the history of the development of inheritance relations from Roman law to the present was studied. This historical analysis provides a foundation for understanding the evolution of inheritance law and its current status in Ukraine.

The analysis of the Civil Code of Ukraine revealed that inheritance involves the transfer of property and personal non-property rights and obligations from the testator to the heirs. The article also identified the objects of property, rights, and obligations that can be part of the inheritance. The article explored two main directions of adaptation of Ukrainian legislation in the field of inheritance to the standards of the European Union countries. The first direction focuses on addressing the hereditary status of children conceived using assisted reproductive technologies after the discovery of inheritance. The second direction involves expanding the scope of contractual structures and institutions related to inheritance law.

Based on these conclusions, the following recommendations can be made. Firstly, the Ukrainian government should continue its efforts to adapt the civil legislation of Ukraine in the field of inheritance to the legal standards of the European Union. This process should be approached as a comprehensive and continuous undertaking, ensuring that national legislation aligns with EU laws and regulations. Secondly, specific attention should be given to addressing the hereditary status of children conceived through assisted reproductive technologies after the discovery of the inheritance. Legislation should be developed to clarify their rights and ensure their fair treatment in inheritance matters.

Thirdly, there is a need to expand the scope of contractual structures and institutions related to inheritance law. This could involve considering mechanisms such as trust agreements or other contractual arrangements to provide individuals with more flexibility and options in managing their inheritance. Lastly, it is important to consider the interests of both the testator and the heirs during the adaptation process. The legislation should aim to strike a balance between protecting the testator's autonomy in determining the distribution of their assets and ensuring fairness and protection for the heirs. By implementing these recommendations, Ukraine can make significant progress in aligning its inheritance legislation with EU standards and promoting European integration.

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