

TO THE QUESTION OF THE LEGAL PERSONALITY

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This article explores the features of the application of the legal category as "legal personality" in the theory of law. The author provides a definition of legal personality, opened its features among the socio-legal properties of legal entity.

The subject of law, legal personality, juridical capacity, legal capacity.

Ukraine's proclamation as a legal state implies the necessity to create conditions for the Ukrainian society development of, where people will be the highest social value (Art. 3 of the Constitution of Ukraine). This can be achieved only through the recognition of an independent legal personality, which has legal personality. Despite the fact that the category of legal personality is widely used in the theory of law and in legal branches of sciences, it should be noted the lack of clear understanding of its legal nature. Therefore, the aim of the article is an attempt to define, what legal personality is, to reveal its features and find its place among the socio-legal properties of legal entity.

Describing the legal category of "subject of law ", we must remember that it is derived from the category "legal entity", which we can understand by social life participation, endowed with social and legal properties, which allow carrying out legal activities.

The legal activities are socially significant actions of legal entities, cause legal consequences and solve certain social problems, and among the social

and legal properties of legal entity can be distinguished legal awareness, legal status, legal position, legal personality and so on. Therefore, legal personality is an independent property of an legal entity.

Because of legal personality is a socio-legal property of the person it has the dual nature. It gives rise rights of theorists to highlight its social and legal side. Social side of the legal personality means that entity's property dictated by our lives, needs and laws of social development, so legal side certifying its mandatory written into legal prescriptions.

Legal personality is difficult, complex legal category that includes two such abilities as juridical capacity and legal capacity. Juridical capacity is the property of the person who has ability to have rights and responsibilities. Legal capacity we understand as mental, intellectual and volitional entity's ability to perform any act with legal implications. In this regard, the legal capacity can be divided into a person's ability to perform transactions and the ability of the person being responsible for illegal actions (well-known as tort ability).

Thus, legal personality is a socio-legal property of a legal entity that opens it is nature in ability to have rights and responsibilities, taking actions with legal consequences. It is difficult, complex legal category, which has the following characteristics: 1) by its essence - one of the properties of a legal entity; 2) it inherent social and legal nature; 3) includes two major abilities – juridical capacity and legal capacity.