

**Vladyslav B. Saksonov, Kostyantyn V. Romashchenko. Legal structure “law of trusts” in the civil legislation of Ukraine.**

The article gives the legal characteristics of the newly introduced structure "law of trusts" in the civil legislation of Ukraine. The current status and possible prospects for the development of this legal institution in our state are clarified. In particular, the two-fold character of the legal nature and the ambiguity of the assessment of “law of trusts” were noted. Firstly, as a type (Article 546 of the Civil Code of Ukraine) and a method (Article 597 of the Civil Code of Ukraine) of guaranteeing the fulfillment of an obligation. Secondly, as a special type of property right (Article 316 of the Civil Code of Ukraine). Moreover, in all senses, the "law of trusts" causes numerous comments by specialists, which causes controversy and the necessity for further changes.

The right of trust should be considered in a broad understanding of the significance of this legal phenomenon. It may include the transfer of property rights for the purpose of managing it in the interests of a fiduciary (*fiducia cum amico*), and the transfer of property rights in order to ensure the fulfillment of a loan obligation (*fiducia cum creditore*). Therefore, the idea of limiting at the legislative level of this phenomenon of an exclusively interim function is doubtful and may have long-term consequences with a further understanding of this legal phenomenon and the implementation of foreign practices.

The introduction at the legislative level of the institution of trusts as a type and method of ensuring the fulfillment of an obligation with an attempt to provide him with dual content of a legal nature is nothing more than an attempt to replace the content with a form.

The legal construction of law of trusts introduced by the legislator is, by its legal nature, a surrogate for mortgages in its “super form”. In it, the lender is “facilitated” by the mechanism of foreclosure on property, through ownership of the title.

Trust property as a type and method of ensuring fulfillment of an obligation cannot be considered as a special type of property right without a doctrinal and legislative review of the content of the owner’s eligibility.

At the legislative level, it would be more successful to implement the evolutionary form of trust -title support as a way to ensure fulfillment of an obligation without “obscuring” in its nature the attributes of this type of right to things as property right, albeit with the provision of a special type of property.

Trust property as a way to ensure the fulfillment of an obligation (title security) should be considered as a type of right to things to another's property, and not as a special type of property right with a defect in the content of eligibility.

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