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*In the conditions of proclamation in the present civil legislation of ability of legal entities to have any civil laws (of general civil legal capacity) in the article the analysis of possibility of proclamation of general civil legal capacity in relation to the group of organizations of aim, namely in relation to nonenterprise legal entities has been presented. A feature of such organizations is in that in relation to them the obligatory to implementation aim of their creation and activity, which is fastened not only by their constituent documents, but also on the level of the special laws.*

*Arguments for proclamation of general civil legal capacity of nonenterprise organizations have been brought. The civil legal consequences of nonpurpose activity of nonenterprise organizations are not envisaged presently, both in a civil legislation and in the special legislation in relation to nonenterprise legal entities. A duty as a necessity of realization of purpose activity of nonenterprise organizations refers exceptionally these organizations (their organs) and it must not influence the rights and interests of partners as to the agreements of these organizations (invalidity of unstatutory regulation is out of the question).*

**Key words:** legal entities, civil legal capacity, illegal agreements, unenterprise organizations.

. 91 [1] ( - )

[2, .303–310].

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[3] , .49

( .4 .213 [3]). ( )

[4], .84

.1 .45 [5].

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, , , - [6, .70].

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[7] ( - ), , , .

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, .7 .2 .9 «

» [8].

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« » [9] , .7 .1

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.2 « » [10]

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» [11], .7

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1. : : 16.01.2003 435-IV[ ]/  
// « ».- : <http://zakon3.rada.gov.ua/laws/show/435-15>
2. . . Ultra vires  
[ ]/ . . // . - 2011. - 2. - . 303-310. -  
: <http://www.nbuv.gov.ua/e-journals/FP/2011-2/11icoopp.pdf>
3. : 21.10.1994  
51- [ ] // . - : <http://www.consultant.ru/popular/gkrf1>.
4. : 8 1996 . 15 [ ].-  
: <http://cbd.minjust.gov.kg/act/view/ru-ru/5>
5. : 28.10.1998  
218-3, 19.11.1998 [ ] // . - 1999. - 7-9. - . 101 /  
.- : <http://www.pravo.by/webnpa/text.asp?rn=hk9800218>.
6. / . . // : .-  
, ( . , 23 . 2003 .). - ., 2004. - . 1. - C. 70-72.

- :
- ( ) . 1 (5) 2017
- 
7. : : 16 2003 ., 436-IV  
 [ ]/ // « ».- :  
<http://zakon0.rada.gov.ua/laws/436-15>
8. : : 15 2003 . 755-IV [ ]/ //  
 « ».- : <http://zakon3.rada.gov.ua/laws/show/755-15>
9. : : 1 2014 1556-VII// .-  
 2014. – 148. – 6 .
10. : : 5 2001 2365-III  
 [ ]/ // « ».- :  
<http://zakon3.rada.gov.ua/laws/show/2365-14/print1452808994467326>
11. : : 23 1991  
 987-XII [ ]/ // « ».-  
 : <http://zakon2.rada.gov.ua/laws/show/987-12>
12. . . . / . . //  
 .43. – .35–38. : ,2000. –
13. : . . . .- .,2003. – 21 .