

# FEATURES OF USING ELECTRONIC SIGNATURE WHEN CONCLUDING CIVIL LEGAL TRANSACTIONS ON THE INTERNET

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**Introduction.** The development of the information community is rapidly gaining momentum and leads to the transformation of public, social, civil law relations. In modern conditions, most of the civil transactions of individuals and legal entities are concluded in electronic form, the Internet is increasingly used to obtain the necessary information. In addition, state executive bodies implement their functions and provide services using web solutions (for example, open registers, "Diya", etc.).

Since the mechanisms of civil circulation are changing, all these processes require legal regulation both at the state level and at the level of participants` bilateral agreements in an electronic document flow. All this leads to the emergence of new legal phenomena such as electronic document and electronic digital signature. However, despite the widespread use of the Internet for these processes, the issues of legal regulation today remain open.

**Aim.** Define the concept of an electronic signature, highlight the features of use, identify inconsistencies between national legislation and international acts.

**Materials and methods.** In this work, methods were used to compare the national legal framework and international acts that regulate the issue of electronic signatures; a theoretical method (analysis and synthesis) formal logical method were used;.

**Results and Discussions.** Issues of electronic digital signatures, as well as the conclusion of civil law transactions on the Internet are regulated both at the national

and international levels, namely: in the UNCITRAL Model Law on Electronic Signatures, European Parliament and Council Directive on a common framework for electronic signatures which was in force until 2014, and then adopted the Regulation of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market, "On electronic trust services", the Law of Ukraine "On electronic documents and electronic document management", etc.

The Law of Ukraine "About electronic documents and electronic document management" does not provide the concept of an electronic signature, but it is indicated that an electronic signature can be used to identify the author in Art. 6. It is also indicated that the imposition of an electronic signature completes the creation of an electronic document, and the relations that are associated with the use of an electronic signature are regulated by the Law of Ukraine "On electronic trust services" [Art. 6, 3].

In accordance with the Law of Ukraine "On electronic trust services", an electronic signature is electronic data that is added by the signer to other electronic data or is logically linked with them and used by him as a signature [Art. 1 p. 12, 2].

An identical concept is indicated in Part 1 of Art. 2 of the Directive, however, as an additional feature, it is defined that it serves as a method of authentication.

A broader concept is given in Art. 2 of the UNCITRAL Model Law on Electronic Signatures. "Electronic signature" means data in electronic form that is contained in, attached to or logically associated with a data message and that can be used to identify the signer in connection with the data message and to indicate that the signer agrees with the information contained in the data message.

From the above, it should be noted that Ukraine, with the entry into force of the Law of Ukraine "On electronic trust services" began an active process of implementing the norms of international acts into the legislation of our country, which gives the right to speak about the compliance of the norms of this law with the the Regulation of the European Union. It should be emphasized that with the entry into force of the Law of Ukraine "On electronic trust services" amendments have

been made to many normative legal acts of Ukraine, these include: The Code of Ukraine on Administrative Offenses Art. 188-31; Commercial Procedural Code of Ukraine Art. 6, 42, 60, 91, 96, 197, etc .; Civil Code of Ukraine Art. 14, 43, 62, 95, 100, 212, 259, etc.; Code of Administrative Procedure Art. 18, 44, 59, 94, 99, etc .; Law of Ukraine "On copyright and related rights" Art. 52-1; The Law of Ukraine "On state registration of legal entities, individuals - entrepreneurs and public associations" Art. 7 and other laws. The law of Ukraine and the EU Regulation define some features of an electronic signature, namely: it is equal to a regular signature if it meets all the requirements of the legislation; is a reliable key to the world of digital documents, and the creation of an electronic document is completed with the imposition of an electronic signature; is a reliable means of security on the Internet, as it is checked and monitored by authorized bodies; with the help of an electronic signature, we can identify a person; it is also ensured that it is impossible to refuse the fact of signing a specific agreement.

However, after analyzing the current legislation, it is possible to identify some inconsistencies, according to special legislation, an electronic signature is equated to a regular one if it meets all the conditions and requirements that are enshrined. The Civil Code of Ukraine does not enshrine the concept and requirements for an electronic signature, but transactions in electronic form with the presence of an electronic digital signature are allowed if they do not contradict the law and meet all the requirements that are enshrined in Articles 205, 207, 641, 1087. Therefore, it should be noted that the Civil Code of Ukraine needs to be amended with the application of European norms in the designation of electronic signature terms, the requirements for them and the sphere of use.

Based on the above, it is possible to determine the features of an electronic digital signature, these include: no need to sign, print and scan documents manually; saving time on creating a contract; providing customers and any employee of the organization with the ability to sign a document from anywhere and on any device; the possibility of verifying by means of software that the documents and the corresponding pages have been signed by an authorized person; ensuring a safe and

fast contract signing process for all parties; simplification of the entire e-signature approval process; improving the convenience of interaction with a user or an employee of your company by reducing the number of returns between two parties; quick conclusion of the deal [2].

**Conclusions.** In conclusion, an electronic signature is a props (data) that must comply with the requirements of the law, allowing to confirm the ownership of the electronic signature and its owner, as well as to record the state of the document that is signed by it. Also, it is a handwritten signature in electronic form with which documents can be signed. An electronic signature is a very mobile, reliable, secure and convenient form of use that allows to simplify and speed up electronic document flow in the civil law sphere on the Internet.

## REFERENCES

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