разбирательства в письменной форме. Гражданский иск разрешается в судебном заседании лишь после оглашения вердикта присяжных.

Бремя доказывания всех обстоятельств иска лежит на гражданском истце (потерпевшем). Решение по гражданскому иску выносится профессиональными судьями. Если присяжные вынесли оправдательный вердикт, то потерпевший вправе обратиться в гражданский суд с требованием о возмещении причиненного вреда [2, с. 745–746].

В отличие от законодательства Республики Беларусь УПК Украины предусматривает возможность компенсации в уголовном процессе лишь материального вреда, все другие требования могут быть заявлены только в рамках гражданского судопроизводства [4, с. 85].

В целом порядок предъявления и разрешения иска, процессуальный статус гражданского истца, ответчика, их представителей, процедура обжалования решения по УПК Российской Федерации подобны нормам действующего законодательства Республики Беларусь.

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The right to be erased as a new right in the scope of human rights

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The newly evolved right to be erased represents the outcome of the latest development of international human rights law. Currently, it is an emerging legal concept that enables individuals to control over their online identities and demand that Internet search engines remove certain results [1]. To analyze the need and

relevance of this right in today's rapidly developing world, it is necessary to tackle such issues as its core essence and background on the international plane.

As a relatively recent phenomenon, the right to be erased was first recognized in article 12 of the Data Protection Directive of the European Union nearly two decades ago [2]. But it was the decision of the European Court of Justice in May 2014 that paved the way for the promotion, interpretation and application of the given right. It is remarkable that this decision has become not only one of the most prominent, but also ambiguous decisions of the European Court. On the one hand, it has been stated that individuals have a right to erase or block data that is inaccurate or incomplete. On the other hand, the Court makes a reservation that the right in question cannot be enjoyed by public figures [3, par. 99]. It can mean that the public's interest in having access to all sorts of information may have prevailed over the individual's right to have the links removed. In this respect, the right to be erased, being interpreted in such a way, leads to a flagrant discrimination.

Moreover, according to the Court's ruling, the information intended to be forgotten is not erased forever, but remains on the site where it is. The only obligation search engines have is that users are not directed to that particular site. But most importantly, the ruling vested too much authority in Google to decide on database links that should be erased [3, par. 36]. While considering these delisting requests, Google has to take into account the following factors.

First, it is necessary to consider an individual's participation in public life. For example, politicians, corporate executives or athletes are less likely to have their delisting granted in comparison with those who play no or a limited role in public life. Second, Google should favour delisting in cases where personal, not general information is at stake. Finally, on some occasions it is essential to consider the passage of time. Despite the fact that a long period of time can result in delisting in the case of former public leaders, it cannot lead to the same effect in relation to crimes, the information about which would remain relevant no matter what the passage of time is [1].

It can be admitted that there is a point in the view that our social existence as humans means that we are never truly forgotten. Consequently, a rhetorical question may arise: is it time for rethinking about our societal values [4]? The assumption is based on the notion that the right under discussion is multifaceted, because it provides a unique opportunity for everyone to see in it what they want.

Actually, the given statement accounts for two principal approaches to assessing the analyzed right. Those in favor of the right to be erased state that digital technology preserves memory unnaturally and can impede forgiveness and individual progress [1]. As Friedrich Nietzsche rightly pointed out, «without forgetting it is quite impossible to live at all» [5, p. 10]. In this regard, the right to be erased challenges a rather pessimistic, but real vision of the near future. On the contrary, some criticism stems from the fact, that this right undermines the freedom of expression and free access to information, or, in other words, it clashes

with the basic right to know. Undoubtedly, this debate poses a tricky question: what is the balance between private and public rights?

Thus, it is evident that the right to be erased is a highly controversial issue. As a complex moral and legal concern, it raises more questions than gives direct answers. Perhaps, the reason lies in the fact that its justification is doubtful and still remains uncertain. On the whole, it seems that nowadays it is too early to judge whether the right under consideration will become one of the fundamental human rights in perspective on the near future. However, it is indisputable that its emergence is a positive step, because the current development of human rights law reflects the urgent need for the right to be erased today.

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Заключение фиктивного брака как условие признания брака недействительным

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Самостоятельным основанием признания брака недействительным является заключение фиктивного брака. Впервые о недействительности брака, заключенного фиктивно без намерения установить между сторонами права и обязанности супругов, упоминается в постановлении Пленума Верховного