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THE CORRELATION OF TERMS “TERMINATED CONTRACT” AND “VOID CONTRACT” IN JUDICIAL PRACTICE

The article deals with the research of contradiction between practical application of “terminated contract” and “void contract” according to current legislation.

The cases considering terms of the void contract and the wrong conclusions regarding the terminated contract frequently appear in The Unified State Register.

Obviously, considering such cases the court doesn't focus on the grounds of legal action – the grounds for contract termination are legitimate actions of two parties which want to stop contractual relationship; the grounds for legal actions considering void contract are the unconformity of the contract with the law and moral foundations of society.

Application by court of the consequences of the terminated contract in the

cases considering the void contract happens quite often. However, in our opinion, the inconsistency of legislator and specificity of certain legal relationships which are manifested in the replacement of law consequences between terminated contract and void contract is the reason of the above problem.

Thus, in our opinion, the dissociation of judicial practice considering terminated contracts from judicial practice considering void contracts by The Resolution of the Supreme Court of Ukraine about features of the contract termination (features of terminated contracts according to the types of contracts) and making analysis of the special legislation on compliance with norms of the Civil Code in order to detect the contradiction is the right solution of problem.