

I. Kolotilova
Postgraduate Student
Taras Shevchenko National University of Kyiv

THE COURT'S DECISIONS AND JUDGMENTS: CORRELATION BETWEEN TERMS

In civil procedural law of Ukraine the term “decision” has a double meaning: wide and narrow. As a generalized generic term it refers to all acts adopted by the courts (court’s or judicial decision), and as a judicial act that case is decided on the merits (judgment). That is, the judgments are the form of court’s decisions. However, in the Ukrainian language, these terms sound almost identical, which creates problems in theory and judicial practice. Such uncertainty in legal terminology is a significant drawback in legislative technique.

Based on historical analysis and current enforcement, author justifies the need to replace the generic term court’s

decision by the term court’s act. Due to the fact that the term “court’s decision” is used not only in the Civil Procedure Code of Ukraine, but also in all procedural codes and laws of Ukraine. This change is very complicated in terms of practical implementation, but necessary.

The result of this terminological ambiguity was also used in the Art. 208 of CPC of Ukraine to refer to a concept in two terms: types and forms. According to the author, the term “types” should apply to the judgments. The term “form” should apply to court’s acts, which are stacked in the form of judgments, rulings, orders and regulations.