

principles of civil and family law can be divided into two groups: general (which is fully characterized by both branches of law) and special (which belongs to the field of family law and does not prove its autonomy of civil law field). After analyzing legal doctrines of a number of scientists who advocate for the view that family legal relations are very similar to the civil matters, so must be included in the civil law and opposing that family law has

all the characteristics of an independent branch of law.

It is proved that the principles of family law do not characterize the specified sector as an independent one of civil sector because by virtue of their nature principles perform ancillary in dealing with such issues. However, analyzing the problematic of the study we can note that identical principles in its content are inherent both in the civil and family law field.

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## PROTECTION OF THE RIGHTS AND RESOLUTION OF CIVIL CASES AS INDEPENDENT TASKS OF CIVIL PROCEEDINGS IN THE ASPECT OF IMPROVING OF ITS EFFICIENCY

Matters relating to objective of civil justice are important for the science of civil proceedings, since the quality of their performance is a criterion for evaluating the effectiveness of civil proceedings and a key factor in ensuring efficient restoration of rights. In this regard, it is interesting the question of correlation between the tasks of civil proceedings as «protection of rights» (which was established by CPC from 1963), «adjudication and resolution of cases» (which was established by CPC from 2004) and «settlement (resolution) of disputes» (which was established by Concept of improving the justice system), and which of these tasks should be the main civil proceedings in Ukraine and what are the main directions of its effectiveness.

Defining the objectives of civil proceed-

ings protection of rights and legitimate interests, CPC from 1963 «protection of the rights» was connecting with the execution of protection of rights corresponding ways, and counteraction to violation of law and order. This was due to the active role of the judge and partial intervention of court in discretionary and competitive rights of the parties to ensure the execution specified objective: court was rightly assisting in clarification of the claims and on its own initiative obtained and researched the necessary evidence for that court was fully responsible.

Change this task of civil proceedings in the new CPC from 2004 to another – «consideration and resolution of civil cases» was due to the expansion discretionary and competitive rights of participants of

case and therefore provision to court of a passive role in clarification of the circumstances of the case and checking their evidence and deprivation of its duty to assist the claimant to properly clarify the claim. Author made it clear that «the consideration and resolution of civil cases» as a problem of civil proceedings, means «consideration and resolution of a legal issue» (legal dispute - conflict).

It is concluded that, at present, civil proceeding has the task (not objective) as a dispute resolution, that is the final elimination of the legal conflict between the parties, which in its content differs from the task of civil procedure for the CPC from 1963 («protection of right»), which concerned substantive side of justice and pointed to its effects, rather than a process which is civil proceedings. However, «adjudication and resolution of civil cases» related to procedural side of proceedings, characterizing its process on elimination of legal conflict as well as the protection of rights and interests, if a violation occurred.

Author believes that an indication in objective of civil proceedings on «resolving» means the successful completion of a civil dispute, i.e. the final elimination of the legal conflict between the parties. This is possible when the plaintiff's right that was violated obtained judicial protection, has been restored or the victim received fair compensation, or when the court authoritatively confirm the absence of legal disputes between the parties and the absence of the plaintiff's rights, protection of which he asks, or in case of availability of disputed relationship court will determine either failure to prove or illegality of the plaintiffs' claim, thereby protecting the interests of the defendant.

Also it is proved that the efficiency of execution of this task of civil justice is possible only with the introduction of procedural activity of the court and imposing on him of the duty to intervene in discretionary and competitive rights of the parties when necessary for lawful purposes.

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## THE CORPORATIVE LAW EVOLUTION ON THE TERRITORY OF UKRAINE: FROM OLD RUSSIAN LAW TO LAW IN THE BEGINNING OF XX CENTURY

The purpose of this article is the study and generalize experience of activity of corporations as legal form of Association of capital for business, research legal foundations of corporate relations on the territory of Ukraine from ancient times to 1917.

The economy of Kievan Rus had a com-

mercial direction. It had not specifically the feudal forms, inherent in Western Europe. In Kyivan Rus not only the boyars, but the Prince were in business, in contrast to the medieval Western Europe, where the land aristocracy avoided trading.