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 commercial 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.

In the 20-ies of the 19 century joint stock company appeared more often, and after the Crimean War their number is growing rapidly.

G. Shershenevich allocated the following types of companies: a) Artel; b) trade partnership; c) trust partnership; g) joint-stock company; d) stock company, a close analogue of modern limited liability company.

There are not the historical tradition of the existence of a separate commercial law in Kievan Rus and Russia. It law did not know dualism of private law.

Based on the foregoing, it is strange that the 19th century in Kievan Rus, Ukraine and Russia there is no specific procedure for trade disputes, no special courts. In 1808 was founded the Odessa commercial court, the first of the commercial courts of the Russian Empire. To the beginning of judicial reform of the 19th century, it was not unique. After the judicial reform of the 19th century the number of commercial courts began to reduce. The reason for reducing the number of commercial courts, commercial proceedings had no advantages over a civilian court proceedings, and therefore a separate commercial courts was unnecessary and remained exclusively in the large commercial centers. Commercial courts liquidated in 1917, when a Decree of Court No. 1 of the Soviet government abolished.

All disputes on trade turnover, disputes between companions, disputes between owners and salesmans were related to commercial courts of The Statute of Trade Proceedings. All the disputes of joint-stock companies were related to civilian courts, without exception. At the same time, given the low numbers of commercial courts, most of the commercial disputes always has been considered by the civilian courts.

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PROBLEMS OF RECOGNITION AND ENFORCEMENT OF ARBITRAL AWARD OF INTERNATIONAL COMMERCIAL ARBITRATION

In the article «Problems of recognition and enforcement of arbitral award of international commercial arbitration» is considered some issues of recognition and enforcement of arbitral awards.

In theoretical terms and in accordance with the legal regulation of international commercial arbitration decision on its legal nature are classified into domestic and foreign.

It is observed that the decision of a foreign tribunal is recognized and implemented by the conditions of their recognition, as provided by international treaties or reciprocity principle in agreement with a foreign country. As for the «internal» arbitral awards, the mode of execution should be enshrined in national legislation, although it may involve different legal regimes to implement «internal» and «foreign» arbitral awards. It is considered controversial