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## PROCEDURAL AND LEGAL REGIME NATURE OF SPOUSE SEPARATE LIVING IN UKRAINE AND POLAND: COMPARATIVE LEGAL ASPECTS

The article is devoted to the comparative aspect of procedural and legal nature cases clarification arising from the establishment and abolition of the marriage separation regime according to the current civil procedure legislation of Ukraine and Poland.

The main approaches of suitability clarification of spouse separation regime practice, goal and grounds of its establishment in Poland and Ukraine have been determined.

Common and distinctive features of separation mechanism in civil procedural law of Ukraine and Poland are found out. A number of controversial theoretical and practical problems of legal separation implementation in Ukraine are resolved; it will facilitate the harmonization of civil procedural legislation of Ukraine with European legislation.

The author states if a dispute arises between the spouses round the separation regime it will be considered actionably otherwise it will be considered the special procedure.

It is shown that a way to reconcile the couple – a regime of forced separation of spouses will contribute to the preservation of the family from hasty and uncalculated decisions if it is not in contrast to public morals.

It is proved that the civil procedural legislation of Ukraine does not reconcile imperatively the issue of the term of separation regime. Therefore separation can be installed with the definite and indefinite period of time for which such a regime is established. The author thinks that to make identification provision in the current legislation of establishment of three-year period of separation by analogy of Poland legislation.

It is analyzed the introduction of civil procedural law of Ukraine, one of the types of civil proceedings where examine a case of spouse separation regime that is practical and expedience.

Some specific proposals as for introduction of changes and amendments to the civil procedural legislation of Ukraine for the purpose to adapt it to European standards have been distinguished.