

In general, systematic approach to the planning of the project preparation RA will form a clear idea of the content of the legal form and its crucial for effective implementation of State Regulatory Policy.

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PRINCIPLES OF ENFORCEMENT PROCESS AND THEIR ANALYSIS THROUGH THE ESSENCE OF EUROPEAN COURT OF HUMAN RIGHTS PRACTICE

This article is devoted to the analysis of the principles of enforcement process in the national legal doctrine and to the distinguishing of the main principles of enforcement process in Ukraine. The article contains an overlook of the studies devoted to the principles of enforcement process as well as own analysis of such principles.

As the harmonization of law enforcement practice with requirements established by the Convention for the Protection of Human Rights and Fundamental Freedoms is one of the main aims of the national legal policy the analysis of essence of each principle of enforcement process should be conducted with respect to the practice of European court of human rights. The compliance of enforcement process with the main principles of Convention established in the practice of European court of human rights will also assure conformity of main rights and freedoms of all entities involved in the enforcement process.

As a result of the conducted research principles of enforcement process were classified in general (constitutional) principles and special (branch) principles.

General principles of enforcement process have been determined such as: rule of law; legality; right of defense and humanism.

Branch principles of enforcement process have been determined such as: mandatory requirements of the state bailiff service; principle of legal certainty; timely execution of writs; sufficiently clear indication of the scope of discretion conferred on the state bailiff service; right to challenge the legality of bailiff service officials' actions; inadmissibility of imprisonment on the basis of inability to fulfill a contractual obligation and the inviolability of a minimum property necessary for the existence of a debtor-citizen and his/her family.

It is important to outline that the consolidation of main branch principles of enforcement process, their analysis through the essence of European Court of Human Rights practice and legal stipulation should be conducted in order to align national enforcement process with provision of Convention for the Protection of Human Rights and Fundamental Freedoms.