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CONCEPTS AND APPROACHES TO CLASSIFICATION OF PRESUMPTIONS

The article aims to research the variety of approaches to the classification of legal presumptions. The author analyzed the classification of presumptions. The author paid attention to the flaws and positive aspects of the proposed classification and value of such a classification of presumptions for legal science and practice. Background of the research is the presumption that a specific legal form is not only inherent in the legislation of Ukraine, but also in other legal systems of today. In recent decades, interest of legislators in the legislative instrument is steadily increasing. Presumption can increasingly be found in civil, tax, administrative, criminal, civil procedural law and other areas of law.

Also conclusions are made that the basis for the classification should be an essential feature that is crucial for a given group of facts, phenomena so that it affects and defines all other features of this group of facts, phenomena. These signs for classification, which determine the nature of the phenomena studied are consolidation of presumptions in the law, or their property of being a natural logical consequence of the law, or have quality of disputability to contain final conclusions, be a basis for resolution of the case essentially or regulate the use of the law. These most essential features of the classification ensure the stability of place for every presumption and determine all the other features. Irregular reasons are not classification in its scientific sense, but are the bases of the division, which is essential for any practical purpose. Therefore, we believe that the emergence of new classifications of presumptions may lead to more complicated understanding of the nature of this phenomenon and its use in legal practice.