

*Koroied S.A.,
Candidate of Law Sciences,
Senior Lecturer, Department of civil, economics and criminal law,
Open International University of Human Development «Ukraine»*

PROCEDURAL LAW AS A VECTOR IN DETERMINING THE MAIN OBJECTIVES OF CIVIL PROCEEDINGS AND TO ENSURE ITS EFFECTIVENESS

Defining the objectives of the civil proceedings system as fair, impartial and timely consideration and resolution of civil cases, and the goal – protection of violated, unrecognized or disputed rights, freedoms and legitimate interests of individuals, the rights and interests of legal entities, interests of the state, while CPC among the issues that the court decides when awarding judgments is determining the question of whether or not to satisfy a claim or to deny a claim (s. 5 of p. 1 of Art. 214). This gives some scientists reason to conclude that the court confined to only to check the legality of the alleged claims. However, left forgotten by legislator the execution by court of main lawful purposes – eliminating of conflict and legal protection of rights. So it is important the relationship between the purpose of procedural law and purpose of civil proceedings. Thus, which main objective should standing before the civil proceedings as regulated by the procedural law activity, and which will determine its effectiveness.

In view of the theory of procedural law by author it is concluded: first, the purpose of procedural law is to address and eliminate abnormal development of social relations, protection of social order, rights and legitimate interests of citizens and organizations; secondly, procedural law defines the procedure for the implementation by special state authorities to resolve the conflict; thirdly,

the task of procedural law is to establish substantive relationship, achieving material (objective) truth, fair application of substantive law; fourthly, procedural law is intended to promote the efficient and equitable achievement of result which is established by the substantive law to be applied. Consequently, it was found that the main purpose of procedural law is solution (elimination) of conflict effectively and fairly to achieve result that provided the substantive law.

In turn, based on the analysis of opinions of scientists in procedural sphere author concludes that the purpose of civil procedural law is to stop tort and liquidation of its consequences by enforcing substantive law between the subjects of civil, employment, housing and family relationships.

It is noted that the civil proceedings governed by civil procedural law is a procedural activity. This activity should have its own main (primary) purpose, which characterizes it as a dynamic phenomenon. Given the identified main purpose of procedural law, it can be concluded that the main task of civil proceedings should be settlement (removal) of the conflict, i.e. termination of tort and liquidation of its consequences by enforcing substantive law between the subjects of civil, employment, housing and family relationships.

Additionally, defined by the author through the task of procedural law, the main purpose of civil proceedings requires

the legislator to establish such procedural regulation of civil procedural activity for this important task to be actually performed in every civil case that goes to the court. This condition and quality of performing of this main task will determine the effectiveness of all civil proceedings.

But at the same time, the implementation of the main objectives of civil procedure depends on how the courts have effective tools to ensure that task, that it is the quality of procedural rules including civil procedural policies of the state as a whole.

This purpose of civil proceedings requires from legislator to change the civil procedural law, by giving the court following powers: to go beyond the claim; to determine the proper way of protection of rights in the disputed material relationship; to take measures for submission to the court of necessary evidences needed to address specific categories of disputes; to determine addressed in the judgment of the court all original questions, which is likely to arise in the implementation of the court's judgment on a particular dispute.

*Kushch L.I.,
Candidate of Law Sciences,
Associate Professor, Senior Lecturer, Department of economic law,
Donetsk National University*

LEGAL SUPPORT OF DEVELOPMENT OF ECONOMIC RELATIONS IN THE SPHERE OF HEALTH IN THE CONTEXT OF REFORMATION

The article is devoted to legal issues of development of economic relations in the sphere of health protection in the context of reformation. The analysis of General and special regulations governing considered relations in healthcare, and the specifics of these relations, which are due to the fact that they occur in the social sphere of the economy, where the commercialization restricted by law; shall not be aimed only at profit related to meeting the needs of citizens to improve the state of health or its recovery, and sometimes salvation in their life that are the most valuable intangible valuables. It argues the need for further resolution of these economic relations, in particular, on the definition of their con-

tent, legal status of entities (communal non-commercial enterprises), the funds of the state influence on the activity of these subjects.

The article proves that in order to ensure development of economic relations in the sphere of health protection appropriate to the special legislation: 1) to identify the medical services as their contents and the main activity of communal non-profit enterprises, provide a more clear the definition of «medical care» and exhaustive list of types of free medical care to be provided by such enterprises to the population, and the list of paid medical services to the citizens for their account; 2) to secure the legal status of communal non-profit enterprises,