UDC 341.824:338.47(043.2)

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SIMPLIFIED PROCEEDINGS IN THE ASPECT OF HUMAN RIGHTS PROTECTION IN THE ECONOMIC PROCEEDINGS

To date, among experts in the field of law, there are discussions on the importance of simplifying judicial procedures in the aspect of the ratio of such procedures with the principles of access to justice and a fair trial.

As R. Sopilnyk noted in his research, the vector of ensuring the right to a fair court as a priority of judicial reform is firmly established in domestic and international legal acts relating to the reform of the judiciary and related legal institutions in the light of European integration processes in Ukraine [1, p. 4011].

Of course, along with the independence and impartiality of the court, a key element of law on a fair trial is the availability of the court. The latter is divided into a number of interconnected elements, among which, in connection with difficult socio-economic situation in Ukraine, I would like to emphasize the simplification of court procedures.

The problems of simplification of judicial procedures are devoted to the research of such scientists as V. Bobryk, G. Vlasova, T. Kovalenko, L. Kondratyeva, Y. Lopanchuk, A. Prokopyuk, I. Slyvych, O. Tkachuk, etc.

Thus, O. Tkachuk believes that simplification of judicial procedures significantly increases the effectiveness of judicial protection of rights, the freedoms and interests of the participants of the process, first of all, of the party that applied for the judicial protection of its violated, unrecognized or disputed rights, freedoms or interests, considering that in the presence of the grounds and conditions specified in the procedural legislation, consideration of the relevant category of cases is carried out under special rules that provide for shortened terms consideration of the case, making a court decision immediately in the form of a court order, the absence of certain stages of the trial procedure, etc. [2, p. 20].

V. Bobryk emphasizes that when consideration by the court of a particular case and justice as a whole should be achieved the purpose of legal proceedings with minimization of time spent, forces and funds, because the heterogeneity of judicial cases (both by their nature and complexity) determine the possibility of different ways of achieving the goals of justice, and therefore the differentiation of judicial procedures. A Significant part cases considered by courts of civil and economic jurisdictions, based on claims with a small claim price that are not complex in its legal content. Therefore, consideration of these cases in general order claim proceedings cannot be called the optimal way to resolve relevant

disputes and may well be carried out by simplified (in comparison with the general lawsuit) judicial procedure. On V. Bobryk's opinion, legislative consolidation simplified types of legal proceedings are carried out with to ensure greater availability of legal proceedings in certain simple categories cases by reducing court costs, reduced terms of litigation and simplification of procedural requirements for the actions of the participants of the process and the activities of the court. At the same time effective simplified proceedings can significantly facilitate the achievement of judicial proceedings [3, p. 4].

We can consider the statement of V. Bobryk regarding that "Active process of harmonization of EU procedural law covered many areas of procedural regulation, including issues of jurisdiction, recognition and enforcement of decisions, exchange of court documents, collection of evidence, and led to the introduction of pan-European court procedures, in particular the European procedure for the consideration of claims with a low price (ESCP). The experience of using ESCP in EU countries has proven its effectiveness and so similar procedure (excluding it transnational nature) may well to be embodied in civil and economic legal proceedings of Ukraine [3, p. 8].

Successful is the definition of Y.Y. Gribanov, who under simplified proceedings understands a special, specific form of dispute resolution within the framework of the lawsuit, which is a set of procedural legal relations, the basis of a complex nature which are assigned a set of preconditions of material and procedural nature [4, p. 69].

As we can see, the procedures of simplified proceedings in economic proceedings in general correspond to European practice and are designed to promote as much access to justice as possible and ensure the implementation of the right to a fair trial.

In the implementation of simplified proceedings, however, the issue arises of the realization of the rights of the parties stipulated by the economic procedural legislation, in particular, the right to change the grounds and subject matter of the claim, the involvement of a co-defendant, a third party, etc..

Moreover, the question arises whether the application of simplified proceedings always contributes to the realization of the person's right to appeal against the court decision taken in relation to it. Especially problematic in this aspect are insignificant cases that are such by law, but may not be such for direct participants in a particular case.

It seems that simplification of economic proceedings by introducing reduced consideration of certain categories of cases is quite effective, but requires revision in the aspect of the implementation of the rights of the parties and the possibility of appealing court decisions that are taken within the framework of simplified proceedings.

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УДК 346(043.2)

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ПРОБЛЕМИ ФОРМУВАННЯ СТАТУТНОГО КАПІТАЛУ ГОСПОДАРСЬКОГО ТОВАРИСТВА ЗА РАХУНОК МАЙНОВИХ ПРАВ ІНТЕЛЕКТУАЛЬНОЇ ВЛАСНОСТІ

Актуальним для сьогодення є дослідження проблем формування статутного капіталу господарського товариства за рахунок майнових прав інтелектуальної власності.

Дослідженням даної проблеми в різні часи займалися Я. Ващук, Л. Тетянич, Ю. Атаманова, О. Беляєва, М. Доронін, В. Зінов, А. Козирєв, О. Новосельцев, В. Самойленко, К. Сафарян, А. Рабець, які досліджували різні аспекти внесення майнових прав інтелектуальної власності до статутного капіталу господарського товариства, зокрема особливості оцінки таких прав. Слід зазначити, що комплексного науково-практичного дослідження порушеного питання українськими науковцями не проводилось.

Для створення господарських товариств засновникам за вітчизняним законодавством [1] необхідно володіти певними фінансовими та матеріальними ресурсами. Оскільки іноді, щоб започаткувати підприємницьку справу, потрібна і значна сума коштів, можливість формування статутного капіталу шляхом внесення нематеріальних активів дозволяє створити юридичну особу у випадках, коли не вистачає коштів.