

LEGAL NATURE OF THE PREVIOUS STAGE OF ARBITRAZH CONSIDERATION

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The article investigates the concept of pre-stage of the proceedings, the proceedings of its members, in connection with which analyzed the current legislation and practice, as well as the experience of other countries. Made suggestions about improving the procedures for arbitration through amendments to existing legislation.

Preliminary stage of the proceedings, arbitration, international commercial arbitration.

The previous stage of arbitrage consideration plays an important role in any process (civil, economic etc.) because it's main task is providing timely and proper consideration and resolving of case. It is not an exception of realization in to the international commercial arbitration. Importance of this stage, above all, consists in realization of complete preparation case to listening, and also in it's setting – assistance to the guard of rights and legal interests of people by conditioning for providing of taking legal and reasonable final resolution with the rational use of time. The necessity of realization of the preparatory stage can be explained also by that at initiation of proceedings a judge owns that information that was given by a plaintiff in the statement only. However, it is clear that only this information is not enough for objective and plentitude consideration, as needed yet to know position of another side. Therefore referendary before to pass to the trial of case essentially must conduct preparation of case to the

judicial trial, during that determines character of debatable legal relationships that arose up, rule of law, that is necessary to follow and also promotes in obtaining on demand of proofs and etc.

Thus, the aim of this article is determination of legal nature and features of realization of the previous stage of an arbitration consideration, finding out of her value and judicial actions of it's participants for the sake of timely consideration and decision of case.

An arbitration consideration of dispute contains not only the intermediate questions related to preparation of case to consideration, but also the necessity of decision of the most essential from them, related to determination of the questions of the responsibility and a size of coverage losses, etc., a previous decision can be taken away on call both of sides or on the initiative composition of an arbitration. If only one side pulls out such requirement, a decision on this occasion will depend on arbiters. Most regulations do not set concrete requirements to the previous decisions, but it is possible to draw a conclusion from general requirements, it is necessary to apply the same requirements to the previous decision, as to the final decision (if requirements are in relation to a writing form, and in relation to the presence of all necessary essential elements and underlying structure)