

**PROBLEMS OF CIVIL PROCEDURE IN WORKS SCIENTISTS
KYIVNATIONALECONOMICINSTITUTEEARLY SOVIET ERA**

**Mikhnevich L. PhD, associate professor, doctoral
Kyiv National University Taras Shevchenko**

The article is devoted to individual problems of Soviet law of Civil Procedure of 1920, which were in the works of E. Kelman and A. Boutovsky, both were professors of Kyiv National Economic Institute. The subject of their scientific studies were the problems of public hearings and trial and the simplification of Civil Procedure. It was also analyzed the influence of Soviet law of civil procedure and modern Civil Procedure of Ukraine.

Faculty of Law, Kyiv Institute of National Economy, Civil Procedure, the Judiciary, secret deliberation room, simplification of Civil Procedure.

The papers is devoted to individual problems of Soviet law of civil procedure in 1920. The emphasis is on the work of E. Kelman and A. Butovskii, both professors of Kyiv National Economic. Thus it was found out the main themes of their scientific studies. Particular attention was paid to problems of public hearing and trial and also simpleness Civil Procedure.

It was found that E. Kelman's research in civil procedure resolve conflicts of old and new procedural rules, problems of creating the most cheap, fast and efficient procedure in court, simplify trial, the convergence of civil and criminal procedure and solutions in civil various courts' legal mysteries. It was found the main arguments and counterarguments of scientist to abolish secrecy of deliberations in civil proceedings. The scientist believed that the secrecy of the consultations of judges has independent significance only collegiate composition of the court. In a case a judge such a meeting is meaningless. Therefore, the introduction of Soviet civil judicial process of

public meetings will speed up the proceedings. However, he noted that the complete abolition of secrecy of deliberations violate the guarantee of the independence of the court. It is therefore advised to implement a public meeting only when considering simple cases, in other cases, offer a compromise – to hold secret meetings at the request of any member of the court.

It was revealed that A. M. Butovskii research was the problems justice procedure, appeals, previous enforcement of judgments, judicial moratorium. Particular attention was paid to the development of scientific practical recommendations for restructuring the civil process to simplify it. It was established that A. Butovskii singled out two shortcomings of procedural law: 1) due to defects in the structure of the process; 2) based on inaccurate and sometimes improper use of existing procedures. He also recommended to liquidate the proceedings in absentia; simplify the preparation technique of the decision; reduce the number of call witnesses; introduce a «preparatory proceedings»; expand the functions of the Court of Cassation. Solving these problems, according to scientist, could expedite adjudication, speed up the trial proceedings and simplify it.

The papers also consist the attempt to identify the connection of Soviet law of civil procedure and modern Civil Procedure. Was found that potential ideas legal heritage of Ukrainian scientists E. Kelman and A. Butovskii still poorly found out and used, and some controversial provisions made in the 1920s and now live and need to be solved.