

# THE QUESTION OF ENFORCEMENT PROCEEDINGS AUTONOMY

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*The analysis of legislation in the field of executive proceedings from the viewpoint of its isolation as an independent procedural form has been made in this article. Based on the research on practices of other countries on the regulation of the enforcement proceedings, the author identifies some of the possible ways to overcome differences in the definition of the enforcement process place in the system of procedural areas of law.*

**Enforcement proceedings, the enforcement process, an independent procedural form.**

The main task of enforcement proceedings is to ensure the enforcement of court acts of general jurisdiction in the manner prescribed by the legislation of Ukraine, of administrative and commercial courts and other acts of legislative bodies which have the right to impose on individuals and entities, government agencies and officials the duties on the transfer of money and other property to other individuals, government agencies and on the committing for their benefit act or refraining from these activity.

The law of Ukraine «On Enforcement Proceedings» provides a clear definition of «enforcement proceedings» in which the legislature, and so historically, consider an enforcement as a part of the judicial process, which is confirmed by the existence of the institute litigation, not bailiffs, whose activity is regulated by primarily processual civil law.

On the other hand, the plaintiff, giving prescribed by law documents to the State Executive Service only initiates the procedure of enforcement sanctioned by the state from the particular debtor as a result of the failure of his last duties on a voluntary basis.

It is important to note that at the present stage of enforcement proceedings in Ukraine, conditions for its isolation in a separate branch of law are created, since enforcement of court decisions and other jurisdictional authorities and officials could be voluntarily, and as a result not all executive documents may be required to perform.

The drawback of the development of enforcement process as a branch of law at this stage is an absence of codified regulatory act to regulate executive relationship. Norms, except the law of Ukraine «On Enforcement Proceedings», governing executive relationship, are also in the Civil Procedure Code of Ukraine, in Commercial Procedural Code of Ukraine, in Code of Administrative Proceedings of Ukraine, in Code of Ukraine on Administrative Offences, in the law of Ukraine «On the Implementation and Application of Practice of the European Court of Human Rights» and also in many other subordinate legislations.

Thus to secure enforcement proceedings as an independent branch of the law at the legislative level it is needed to systematize the work of the State executive service. To achieve this aim it is necessary by the codification of executive process to identify specific program for stakeholders which would be focused on the gradual achievement of goals. Besides, it is necessary to identify the tasks to be solved at each stage of the execution process, to establish a specific range of subjects and members of the executive process, of their rights and duties, clearly establish procedural safeguards, establish timing and implementation of the execution, provide the conditions, methods and procedures for enforcement of various jurisdictional bodies.