

**ACTUAL QUESTIONS OF THE LAW APPLICATION AND THE
REALIZATION OF THE RIGHT ON THE LEGAL DEFENSE IN THE CIVIL
PROCESS OF UKRAINE**

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The questions of practical application of some norms of civil process code of Ukraine and their influence on the realization of the right on the legal defense are analyzed in this article. Here are defined the problem aspects of interpretation of the norm, determined the possibility of application the process of analogy for getting over the blanks of civil process legislation.

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Consideration of disputes in civil proceedings is to clear the procedural form. Legal proceedings are conducted in a particular procedural form, in one location, with the requirements of procedural law.

Civil Process Code of Ukraine, which is one of the major sources of civil procedural law should contain detailed information about the civil procedural form in an accessible , understandable form. Only in this case,

the actors clearly know the result of their actions, are adequately prepared to work, reduced by the amount of abuse of civil legal proceedings will follow the procedural terms would be turned out only jurisprudence , a person would be able to exercise their right to judicial protection.

Norms of the Civil Process Code of Ukraine should be complete, articulated in a way that is not permitted possibility of arbitrary interpretation.

A characteristic feature of the process is the submission of civil procedural form, based on the coherence of the court and stakeholders law , since the law defines a model of civil procedure .

Some provisions of the Civil Process Code of Ukraine formulated very generally , abstractly. But the creation of abstract norms to regulate the relationship may result in gaps in the law in cases where the relationship is specific enough , but legislators did not regulate some important facts .

Over abstraction of the rules of civil procedure law may indicate the existence of gaps.

Too abstractisArticle293Civil Process Code of Ukraine, which deals with theprocedure for appealingdecisionsof the courtofappeal.The courts, the decision on theappealdecision, allow broadornarrow interpretationof the law.However,certain rulesmustdescribe in detail theoptions for a possiblebehavior ofthe proceduralrelationship, due to the veryessence ofcivil procedure

The way to overcome gaps in the law is an analogy. The analogy is needed in order to allow for the same relationship applied the same rules . Application of the law by analogy is possible only relatively instances that are unconditional and specific similarities with cases directly stipulated by the law that applies .

Thus, in order to improve procedural legislation creating the conditions for overcoming the gaps in the law is necessary to make the provisions of the Civil Process Code of Ukraine on procedural analogy.

But the use of analogy allowed in exceptional cases.