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фірма Square Trade, а сама система відрізнялася приватним механізмом виконання рішень, за допомогою присудження або зняття з тих чи інших учасників спеціальних балів, що показують, наскільки їм можна довіряти. Існує також програма STORM (Simple Tools for Online Resolution and Mediation), яка використовується National Mediation Board. Онлайн вирішення спорів використовується для врегулювання суперечок з доменними іменами в рамках ICANN – міжнародної організації, що регулює питання, пов'язані з доменними іменами, IP-адресами і т.д. Ця організація прийняла спеціальну процедуру – Єдину політику вирішення спорів по доменних іменах (Uniform Domain Name Dispute Resolution Policy (UDRP), яка встановлює порядок вирішення спорів, що стосуються доменних імен. Вона застосовується для всіх загальних доменних зон загального рівня [4].

В ЄС основою альтернативного позасудового вирішення спорів онлайн в ЄС стали Директива 2013/11/EU про альтернативне вирішення споживчих спорів та Регламент (EU) 524/2013, що запроваджує вирішення споживчих спорів онлайн. Регламент 524/2013 передбачає створення ОВС-платформи, яка пропонує споживачам і продавцям єдину точку входу для позасудового врегулювання спорів онлайн, за допомогою АВС.

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BALANCE OF PRIVATE AND PUBLIC INTERESTS IN THE CIVIL PROCESS

Sadykova Ya. M.
PhD, Associate Professor of the Department of Legal Disciplines of Sumy Branch of Kharkiv National University of Internal Affairs
Sumy, Ukraine

The theme of scientific development is selected for several reasons. Civil justice in Ukraine is now on the path to reform. The division into the private and public spheres is at the forefront of the whole modern world. Often, the border between them is manipulated, substantiating the violation or excessive interference in the

private law sphere, or, conversely, placing private interests in a way that fits the interests and goals that are significant for the whole state and society. This applies to the sphere of the civil process certainly.

In Ukraine, there is some imbalance of public and private interests in the construction of the mechanism of jurisdictional protection of private rights, which in turn creates the same effect in the process of its work. The current trend in the legal and economic development of democratic countries is the use of the balance of private and public interests as a guiding principle in the implementation of economic justice. To this principle, the European Court of Human Rights is constantly appealing in its practice. Of course, in such cases, where the European Court considers the balance of competing interests, it is a question of the regulation of social relations by the rules of substantive law in the majority of cases, but because they become objects of judicial attention, they also become important in the study of the balance of interests in the process.

For the most part, the balance of private and public interests in the practice of the European Court of Human Rights is considered in the aspect of the fundamental principle of the alienation of private property in the public interest. At the same time, decisions on other cases are noted by frequent references to the balance of private and public interests and the existence of competing interests (McMichael v. UK 24.02.1995 ap. № 16424/90, Rowe and Davis v. the United Kingdom 16.02.2000 ap. № 28901/95, Intersplav v. Ukraine 9.01.2007 ap. № 803/02).

The analysis of the provisions of the Convention on Fundamental Rights and Freedoms, as well as the jurisprudence of the European Court, suggests that the perimeter of the human rights space defined by the Convention and the limits of the exercise of these rights are determined by the balance of the private interests of the person which determine the content of the law, and public interest. The purpose of the work of the European Court of Human Rights is to determine from the circumstances of the case whether this limit was violated.

It seems that in the civil process there is always a public interest, expressed in several forms. One of them objectifies this interest in ensuring the observance of objective law (civil procedural form), the implementation of legal justice in each particular case, the prevention of civilian offenses and manifestations of procedural abuse of rights. That is, the public interest in this case limits the will of the parties to the case. At the same time, the center of attention of judges considers a case related with the private rights – the rights that have been violated and which should be protected. All this creates a certain symbiosis of the public and private, which gives rise to the need to determine if there are any boundaries between the researched nations or at least the principles of interaction. In addition, today there is a tendency of rapprochement, interpenetration of private and public principles. Although such a blurring of borders is criticized both by practitioners and by academics.

The problem of differentiation for the correlation of private and public in procedural law is one of the main methodological problems, which solution affects what will be the legal process in general and the civil process in particular. The significance of solving this problem goes beyond the scope of the civil process, and therefore the study of the prospects for the development of private and public principles

in the civil process is a step towards establishing democratic principles both in the sphere of human rights protection and in society as a whole.

In May 2015, the President of Ukraine approved the Strategy for the Reform of the Judiciary, the Judiciary and Related Legal Institutions for 2015-2020. It specifies that among the tasks and measures of reform there is the increase of the efficiency of justice and optimization of the powers of courts of different jurisdictions, which in turn envisages the expansion of alternative (out-of-court) settlement of disputes, in particular through the practical implementation of the mediation and mediation institution, expansion of the list of categories of cases, which can be resolved by arbitration judges or considered by courts in simplified proceedings; introduction of effective procedural mechanisms to prevention being considered in the absence of a dispute between the parties; study of the feasibility of introducing peaceful judges. In addition, there is a need to establish a balance between the protection of information and the right to a fair trial in the interests of transparency of justice, including the establishment of clear legislative criteria for closed trial, which is one of the issues of public-private relations.

As a result of separate studies, we can conclude that there is a differentiation of the interrelation of private and public foundations in the civil process, depending on the category of cases; Today, public interest dominates the provision of a fair trial; Civil procedures which are based on concerted actions of the parties are the embodiment of the mechanism of realization of private interest in the civil process, and self-regulation as a way of legal regulation of civil procedural legal relations has prospects to become a tendency for further development of procedural legislation.

ПАСАЖИРСЬКІ АВТОПЕРЕВЕЗЕННЯ, ВИКОРИСТАННЯ МОБІЛЬНИХ ДОДАТКІВ ДЛЯ ПОШУКУ, ВИКЛИКУ ТА ОПЛАТИ ТАКСІ. ПРАВОВІ АСПЕКТИ

Слюсар К. С.
кандидат юридичних наук,
доцент кафедри конституційного права та теоретико-правових дисциплін
Інституту права та суспільних відносин
Відкритого міжнародного університету розвитку людини «Україна»
м. Київ, Україна

Зі стрімким попитом на послуги таксі, який спостерігається саме у мегаполісах держави, виникає нагальна потреба у впроваджені правових механізмів регулювання відповідного виду послуг на ринку, які б в першу чергу захищали права споживача даних послуг [1].

Таксомоторні перевезення пасажирів у м. Києві в більшій кількості відбуваються за участю інформаційно-диспетчерських служб (надалі ІДС) таксі, діяльність яких з боку транспортного законодавства є неврегульованою. Відсутність належного контролю, правил та умов щодо надання інформаційно-