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PARTICULARS OF PARTICIPATION OF THE PROSECUTOR IN THE CIVIL PROCESS

According to Article 2 of the Civil Procedure Code, the task of the Civil Judiciary is a fair, impartial and timely consideration of civil cases. In recent years, the Civil Procedure Legislation has been reformed to increase the effectiveness of judicial protection and introduce improved judicial processes. In 2016, the Law of Ukraine "On Amendments to the Constitution of Ukraine (Regarding Justice)" excluded Chapter VII "Prosecutor's Office". The Verkhovna Rada introduced huge changes in the form of the Law of Ukraine "On Amendments to the Economic Procedural Code of Ukraine, the Civil Procedural Code of Ukraine, the Code of Administrative Procedure of Ukraine and other legislative acts." Thus, there is a need to analyze the innovations and determine the role of the prosecutor in the civil process.

The subject of the prosecutor's participation in civil proceedings has already been considered by such scholars as N. Volkova, O. Hnativ, A. Guze., and H. Triupilskyi. In my opinion, the question of the prosecutor's representation in civil cases is relevant and important at the moment. The prosecutor represents a citizen if he is unable to exercise his powers independently. According to the established practice of the European Court of Human Rights, the support of the prosecutor's office to the plaintiff or the defendant may be justified under certain conditions, for example, to protect vulnerable persons who are considered unable to defend their interests independently, or if the offense affects a large number of people, or if real state interests or property require protection.

[3]

Representation of the state is quite an interesting and controversial issue. The provision of paragraph 1 of the third part of Article 23 of the Law of Ukraine "On the

Prosecutor's Office" states that the prosecutor represents the interests of the state, if the protection of these interests is not performed or performed improperly by the local self-government body. It is also necessary to pay attention to the fact that the prosecutor is obliged to substantiate the grounds for representation in court. In the context of innovations, this will contribute to a more efficient use of state resources, since the relevant authority will be more familiar with the circumstances of a specific case, and on the other hand, such a person will acquire the status of a plaintiff or defendant and will enjoy the corresponding civil procedural rights, i.e. his rights and opportunities will be equal to the rights and opportunities of the other party. [1]

Although the prosecutor enjoys all civil procedural rights in the same way as other participants in the process, he is still a separate subject in the case. At the moment when the prosecutor enters a civil case, the dispute becomes public, because the prosecutor is a state-interested person. The European Court of Human Rights has repeatedly noted that the intervention of a prosecutor in the consideration of a civil case may indicate interference with the principle of equality of the parties, the very participation of the prosecutor on the side of one of the parties may cause a feeling of inequality on the other side. [2]

The Supreme Court has repeatedly concluded that the prosecutor's office can apply to the court with state representation only in extreme cases. In addition, it will be necessary to prove that there was a situation of non-implementation or improper implementation of the interests of the state. [4]

Thus, we come to the conclusion that since the prosecutor is legally entitled to appeal to the court, as well as to represent the interests of the citizen or the state, in fact, and in practice he cannot use only the legislation as a basis for an appeal to the court. Having analyzed the practice of the Supreme Court, it can be concluded that the prosecutor must have a valid reason and evidence that the state is unable to defend itself, and has not used all means for this.

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