

land users and enterprises, institutions and organizations acting as work contractors. In case of failure to arrange the amount of damage it shall be determined by commissions created by Kyiv and Sevastopol city or district state administrations, executive committees of city councils (cities of region subordination) in compliance with the Order of the Cabinet of Ministers of Ukraine No. 284 dd. the 19th of April 1993. The return of land plots to previous condition shall be performed by means of remediation thereof. In literature land remediation means the complex of engineering, mining, reclamation, biological, sanitary and other works aimed at renovation of soil mantle, improvement of condition and productivity of destroyed lands.

We should mention that violation of terms of returning temporary occupied lands shall mean land law violation provided by Article 211 of the Land Code of Ukraine which implicates certain negative consequences, i.e. administrative responsibility of violator. If a special organization which performs exploration works fails to perform land remediation within the certain period it shall bear additional losses. Such losses shall be compensated on the grounds of decision made by commissions created in compliance with the Order of the Cabinet of Ministers of Ukraine No. 284 dd. the 19th of April 1993. Damage compensation does not release the persons from performing remediation of destroyed lands according to established procedure.

On the grounds of everything stated above we can make the following conclusion. Temporary occupation of land plots in order to perform exploration works (as a form of using thereof) has its own features which may be provided by the agreement made between special organization and land owner or land user.

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PLACE OF SUMMARY PROCEDURE IN THE SYSTEM OF CIVIL JUSTICE

Law of civil procedure is constantly undergoing modernization according to the challenges of modern society. Public relations are permanently developing in all spheres of life that leads objectively to the particular changes in law and legislation, including the legal acts regulating the administration of justice in civil matters.

This trend leads to a permanent extension of the list of cases dealt with by way of civil proceedings, and therefore to potential increase of work load on the courts. As a general rule legal disputes in civil proceedings, as set forth in Part 1, Art. 15 of the CPC of Ukraine, is a priority: in civil proceedings dealing with cases arising out of any legal relationship, unless consideration of such cases is carried out according to the rules of other legal proceedings.

One of the areas of civil procedure law is the differentiation of court

proceedings, which was reflected in the emergence of branching, relatively independent of each other proceedings and mechanisms to enhance the protection of rights, freedoms and interests of ordinary citizens. Another vector improving mechanisms for dealing with and resolving civil cases under differentiation is simplification.

Problem of facilitation of mechanisms of examination and resolution of civil cases, and the issue of summary proceedings have been analyzed in researches of Ukrainian and foreign scholars such as: Vershinin A.P., Hromoshyna N.A., Crimean D.I., Gribanov Y., Kochanenko E.P., Luspenyk D. , Verbitsky M. , Tyler T. etc.

Simplification should be understood as a direction of civil litigation, which is not to reduce the number of proceedings and regulations, which must be taken to economic consideration and resolution of civil cases, and finding and fixing this legal procedural form that would permit in the shortest possible time, with the least expenditure of money of the participants, fairly and impartially consider and decide a civil case. Moreover, this area of civil justice will never become irrelevant because one can talk about optimum and balanced court procedures only at the certain time. For example, the Code of Civil Procedure 1963 operated in the former USSR exhausted itself because no longer met the realities that have developed during recent 20-30 years, which was the objective basis for rethinking the old and creating the new Civil Procedure Code of Ukraine, adopted in 2004 and it is a normal situation indicating the dynamism of society and the state. N.A. Hromoshyna notes that simplification should be understood in several ways: as the direction of reform of civil procedure (as discussed above) and as a result of such improvements (e.g. simplified procedure).

In proceedings generally the following should be understood: specific design model morphological examination of civil cases, reflecting the characteristics of the subject of civil proceedings in terms of the substantive nature of cases dealt with, specific evidence of facts as legal and factual basis of the case and the outcome of the case, which are reflected in legal instruments.

In the broadest sense of the science of civil procedural law the simplified proceedings being understood as the sum of all, relatively speaking alternative action proceedings, procedures which are found in the legislative strengthening of the legal act. This alternative is that the persons concerned in the presence of specific conditions may apply to the court to protect their rights under the summary procedure other than the action proceedings, which is caused by the peculiarities of this case. Moreover, the consideration and decision of the case by way of simplified procedure prevents the person from referring to court for the same reasons, the same action subject to the same person by way of limitation proceedings and vice versa. This will likely be decided dealing with excessive compliance procedures.

In a narrow sense, simplified proceedings should be understood as the specific model of consideration and resolution of civil cases - a simplified

procedure that is an alternative action proceeding (such as writ proceedings). So, considering a simplified procedure in a narrow sense it is a specific mechanism for resolving cases. Not to mention, this is a potential component of civil proceedings, along with the limitation, acting and special proceedings. The reason for this extension of kinds of proceedings is, firstly, the steady expansion of the categories of cases dealt with by way of civil proceedings, and, secondly, a real opportunity to improve the court procedures in civil cases.

Simplified proceedings are procedural design of consideration (decision) of certain categories of civil cases, allowing (a) in the special conditions, (b) at will of the persons concerned, and (c) by deleting certain procedural formalities resolve substantive dispute in court without losing its quality.