

**NATIONAL UNIVERSITY OF LIFE AND ENVIRONMENTAL  
SCIENCES OF UKRAINE**

**FACULTY OF LAW**

**MARINA PUSHKAR**

**GUIDELINES**

**CONCERNING PREPARATION FOR SEMINAR CLASSES**

**FROM EDUCATIONAL DISCIPLINE**

**"CIVIL PROCEDURE DOCUMENTS"**

**for students of the Law Faculty of the "Bachelor" Educational Program**

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GUIDELINES CONCERNING PREPARATION FOR SEMINAR CLASSES  
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## **ABSTRACT**

Preparation and drafting of procedural documents to protect the rights and freedoms of citizens, the rights and legitimate interests of legal entities is one of the most important stages in legal activity. Based on the content of the procedural document, arguments of legal conclusions and taking into account the correct application of legal norms, the qualifications and professional training of its author are judged.

The educational discipline "Civil-procedural documents" will help students of law faculties and departments of higher educational institutions to prepare relevant procedural documents in a high-quality and qualified manner, which will be used in the future in the performance of their professional duties.

According to Art. 55 of the Constitution of Ukraine, every citizen has the right to defend his rights and freedoms from violations and illegal encroachments in court by any means not prohibited by law. Realization of the rights and interests of citizens (legal entities) protected by law is carried out by filing a lawsuit in court, as well as other forms appeals established by the civil procedural law.

The study of the discipline "Civil procedural documents" involves the achievement of such a qualification level of training of a specialist, in which he must learn to carefully clarify the essence and peculiarity of disputed legal relations, facts to be established, and the possibility of objections by the other party, learn about the availability and admissibility of evidence and possibilities of their claim in the established order; to find out the procedural legal capacity and legal capacity of the parties, as well as to determine the grounds, subject and content of the claims, the number of persons who should participate in the case, including the need to involve third parties in the case.

The purpose of the discipline "Civil procedural documents" is to teach students as future specialists in the field of law the methodology of drafting procedural acts in civil cases at all stages of the process, since the training of a

qualified specialist involves his mastering certain legal knowledge, as a prerequisite for further successful professional activity.

The student should master the ability to apply not only theoretical knowledge and legal acts, but also acquire practical skills regarding proper preparation and high-quality drafting of procedural documents in civil cases.

The task of the discipline "Civil procedural documents" is to acquire practical skills in drafting procedural documents in civil cases.

The student should be able to:

use theoretical knowledge when drafting procedural documents;

to carefully clarify the essence and specificity of the legal relationship, and determine the grounds, subject and content of the claims;

navigate in the fields of legislation;

to apply prescriptions of normative legal acts in practice activity

The student must acquire practical skills in drafting procedural documents in civil cases based on laws and regulations.

The ability to determine the legal nature of the dispute, establish the competence of the court regarding the consideration of the case and the jurisdiction of civil disputes, specify the parties, check the issue of the statute of limitations and compliance with other procedural terms, collect evidence taking into account their propriety and admissibility, determine the price of the claim and, on this basis, determine the amount of the court fee , expenses for information and technical support, etc. A specialist in the field of law must know all these questions and be able to use them in his work.

To study the discipline "Civil procedural documents" it is necessary to rely on the knowledge obtained during the study of the disciplines "Civil law", "Civil process", "Criminal process", "Economic process", "Labor law", "Land law".

The study of the academic discipline "civil-procedural documents" ends with an exam.

## **PURPOSE AND OBJECTIVES OF THE COURSE "CIVIL PROCEDURAL DOCUMENTS"**

The subject of study of the educational course is mainly the norms and institutions of the civil procedural law of Ukraine, which regulate the procedural procedure for the administration of justice in civil cases (civil justice), in disputes arising from civil, labor, family, land and housing relations, protection of the interests of individuals, rights and interests of legal entities, interests of the state. The subject of this branch of law also includes legal categories, scientific views and concepts that are characteristic of the science of civil procedural law. A civil process is a form of activity of courts of general jurisdiction for consideration and resolution of civil cases regulated by the rules of civil procedural law. Studying the course of civil procedural law (civil process) is carried out in various forms: at lectures, seminar (practical) classes, by completing coursework, in scientific circles, etc. Students' acquisition of knowledge about judicial and other forms of protection of subjective rights is the basis for the formation of lawyers, especially future judges, prosecutors, lawyers, and legal advisers.

The purpose of teaching the course "Civil procedural documents" is to provide students with in-depth theoretical knowledge and sufficient practical skills regarding the procedure for consideration and resolution of disputes by civil justice bodies, the procedure for protecting the legal rights and interests of citizens, legal entities, for the most effective implementation of the constitutional right to judicial protection. In accordance with the goal, the following course presentation tasks are defined: Define the concept of the principles of civil procedural law, their system and interrelationship. Determine the content of each principle of civil procedural law separately. o Consider the system of courts of general jurisdiction of Ukraine and examine the basic principles of its organization and functioning, the principles of the distribution of competence between various bodies of judicial jurisdiction; o Determine the subjects of the civil process, their procedural rights, duties, functions performed in the civil process; o Determine the criteria by which

the competence of courts of general jurisdiction and specialized courts (commercial and administrative) is distinguished.



## **ACQUISITION OF COMPETENCE:**

Integral competence consists in the ability to solve practical problems of a legal nature in the field of civil relations, to provide professional advice to the employer.

General competences:

ZK1. The ability to think abstractly, the possibility of applying pre-trial settlement of a dispute between parties, a mediator, pre-trial settlement of a dispute with the participation of a judge.

ZK2. Ability to apply knowledge in practical situations, distribute legal regulations and determine the jurisdiction of cases.

ZK3. Knowledge and understanding of the subject area in civil disputes, distinguishing between economic and administrative disputes.

ZK4. Ability to communicate in the state language both orally and in writing by writing claims and procedural documents.

ZK5. Ability to communicate in a foreign language if the dispute concerns international commercial arbitration.

ZK6. Skills in the use of information and communication technologies, especially relevant when introducing an electronic court in Ukraine.

ZK7. The ability to learn and master modern knowledge, for example, to participate in court proceedings online.

ZK8. The ability to be critical and self-critical when a legal dispute is not resolved in one's favor.

ZK9. The ability to work in a team when experts, specialists in the field of law are involved in the legal process.

ZK10. The ability to act on the basis of ethical considerations (motives), to comply with the provisions of lawyer's ethics.

ZK11. The ability to realize one's rights and responsibilities as a member of society, to realize the values of a civil (free democratic) society and the need for its sustainable development, the rule of law, the rights and freedoms of a person and a citizen in Ukraine, to firmly believe in the fairness of the judicial process.

ZK12. Ability to be aware of equal opportunities and gender issues among litigants.

ZK13. The ability to preserve and multiply moral, cultural, scientific values and achievements of society based on an understanding of the history and laws of the development of law, its place in the general system of knowledge about nature and society and in the development of society, technology and technology.

ZK14. Appreciation and respect for diversity and multiculturalism, follow the rules of behavior in court.

ZK15. The desire to preserve the environment, not to represent the interests of persons who pollute the environment.

## **PROFESSIONAL COMPETENCES OF THE SPECIALTY (FC)**

SK1. The ability to apply knowledge of the basics of the theory and philosophy of law, knowledge and understanding of the structure of the legal profession and its role in society.

SK2. Knowledge and understanding of the retrospective of the formation of legal and state institutions, representation of lawyers in court proceedings.

SK3. Respect for the honor and dignity of a person as the highest social value, understanding their legal nature is one of the main principles of the civil process.

SK4. Knowledge and understanding of international standards of human rights, the provisions of the Convention on the Protection of Human Rights and Fundamental Freedoms, as well as the practice of the European Court of Human Rights when challenging court decisions in the appellate and cassation instance.

SK5. The ability to apply knowledge of the principles and content of institutions of international public law, as well as international private law, if one of the parties in the process is a foreigner.

SK6. Knowledge and understanding of the basics of European Union law when writing procedural documents (plaintiffs, responses, appeals, cassations).

SK7. The ability to apply knowledge of tasks, principles and doctrines of national law, as well as the content of legal institutions, at least from such areas of law as: constitutional law, administrative law and administrative procedural law, civil and civil procedural law, criminal and criminal procedural law when filing a claim in civil proceedings.

SK8. Knowledge and understanding of the specifics of implementation and application of material and procedural norms rights when appealing court decisions.

SK9. Knowledge and understanding of the basics of legal regulation of the circulation of public funds, if the court case concerns this subject.

SK10. Knowledge and understanding of the social nature of labor relations and their legal regulation in labor disputes.

SK11. The ability to determine relevant and acceptable facts for legal analysis that have legal significance in a separate proceeding.

SK12. Ability to analyze legal issues, form and justify legal positions in the defense of individuals and legal entities in civil proceedings.

SK13. The ability to critically and systematically analyze legal phenomena and apply the acquired knowledge in professional activities, if the process is completely resolved not in your favor or in favor of your client.

SK14. The ability to advise on legal issues, in particular, possible ways to protect the rights and interests of clients, in accordance with the requirements of professional ethics, proper compliance with the rules on non-disclosure of personal data and confidential information.

SK15. The ability to independently prepare drafts of law enforcement acts: lawsuits, statements to secure a lawsuit, requests for evidence, etc.

SK16. Ability to logical, critical and systematic analysis of documents, understanding of their legal nature and significance in the civil process.

## **PROGRAM LEARNING OUTCOMES**

1. The study of the academic discipline "Civil procedural documents" ensures persuasiveness of arguments and assessment of previously unknown circumstances in accordance with current legislation.
2. The civil process provides an analysis of social processes and ways of solving them.
3. During the study of the discipline, the collection and analysis of materials of current legislation is carried out.
4. Formulation of judgments, substantiating them with regulatory and legal acts based on their analysis. Formulate one's own well-founded judgments based on the analysis of known issues
5. Providing a conclusion on certain data, but with a mandatory justification
6. Evaluation and analysis of arguments based on official information about these cases.
7. Conducting own research, drawing up and agreeing on its plan. Collection of materials from identified sources and their analysis for conducting own research on the topic.
8. Use of information sources to obtain information. Use a variety of information sources to master complex issues on a specific topic
9. Properly use the information obtained from primary and secondary sources for their professional activities.
10. Ability to carry out rule-making, law-making and law-enforcement activities at the basic level. Free communication in national and foreign languages. Use of legal terminology.
11. Mastery of rhetorical skills at the basic level. It is important to be able to convince and present your thoughts beautifully.

12. Communication of information is clear. Apply acquired knowledge and skills in various legal situations, distinguish legally significant facts and form justified legal conclusions.
13. Demonstrate knowledge and understanding of the definition of the main modern legal theories, doctrines, values and principles of functioning of the national legal system.
14. Properly use the information obtained from primary and secondary sources for their professional activities.
15. Use a variety of information sources to master complex issues on a specific topic.
16. Use of information sources to search for information, and necessary sources to master the topic.
17. The ability to work in a group both as a participant and as a group leader, forming one's own contribution to the performance of group tasks.
18. Demonstrate the necessary knowledge and understanding of the essence and content of the main legal institutions and norms of civil procedure.
19. Demonstration of knowledge and understanding of modern legal theories and values of the functioning of the national legal system. Definition of the main doctrines and values of the legal system.
20. Using acquired skills to explain basic legal phenomena and processes.
21. While studying the course "Civil Process" and assimilating the acquired knowledge, skillfully use it in various legal situations. Isolation of legally significant facts and formation of their justified legal conclusions.
22. Compilation of civil procedural documents and business documentation; on the basis of the studied material corresponding to the legal situation.
23. Use data from the science of civil procedural law to solve professional tasks. Mastering the skills of correct interpretation of the rules of civil procedural law and their practical application in solving specific court cases, experience in analytical work and providing advice on possible ways to protect the client's rights and interests.

# 1.

## COURSE STRUCTURE

Theme of the Hour	Theme of the Hour	Theme of the Hour	Theme of the Hour	Theme of the Hour
Module 1. General provisions for drawing up procedural documents				
<b>Topic 1.</b> Meaning of procedural documents, types and general method of their preparation. Grounds for drawing up procedural documents.	2/2	To know the general and special norms of material and procedural law. Working out theoretical issues and writing procedural	Performing independent work (including in elearn) Solving practical tasks Attending a lecture/seminar - 1 point	Work at a seminar class* - 0-10 points Completing independent work tasks - 0-5 points
<b>Topic 2.</b> General requirements for drawing up procedural documents drawn up by persons applying to courts of general jurisdiction.	2/2	Be able to apply general and special norms of civil procedural law in practice	Elaboration of theoretical questions and writing of procedural documents. Performing independent work (including in elearn)	Attending a lecture/seminar - 1 point Work at a seminar class* - 0-10 points Completing independent work tasks - 0-5 points
<b>Topic 3.</b>	2/2	To be able to	Working out	Attending a

Drafting appeal statements, objections to appeal statements, responses to appeal statements, cassation appeals to the Supreme Court of Ukraine and other civil procedural documents.		recognize and apply the norms of the Code of Civil Procedure	theoretical questions and writing procedural documents. Performing independent work (including in elearn)	lecture/seminar - 1 point Work at a seminar class* - 0-10 points Completing independent work tasks - 0-5 points
<b>Topic. 4.</b> Compilation of civil procedural documents in courts on intellectual property issues.	2/2	Know the general and special norms of intellectual property law	Elaboration of theoretical questions and writing of procedural documents. Performing independent work (including in elearn) Solving practical tasks	Attending a lecture/seminar - 1 point Work at a seminar class* - 0-10 points Completing independent work tasks - 0-7 points
Modular work No. 1				30
<b>Module 2. Methodology of drawing up procedural acts in civil cases</b>				



<p><b>Topic 5.</b> Compilation of civil procedural documents in labor relations.</p>	<p>2/2</p>	<p>Know the general and special norms of labor law</p>	<p>Elaboration of theoretical questions and writing of procedural documents. Performing independent work (including in elearn)</p>	<p>Attending a lecture/seminar - 1 point Work at a seminar class* - 0-10 points Completing independent work tasks - 0-5 points</p>
<p><b>Topic 6.</b> Compilation of civil procedural documents in economic legal relations.</p>	<p>2/2</p>	<p>Know the general and special norms of economic law</p>	<p>Elaboration of theoretical questions and writing of procedural documents. Performing independent work (including in elearn)</p>	<p>Attending a lecture/seminar - 1 point Work at a seminar class* - 0-10 points Completing independent work tasks - 0-5 points</p>
<p><b>Topic 7.</b> Compilation of procedural documents regarding the appeal in court of decisions, actions or inaction of state</p>	<p>2/2</p>	<p>Know the general and special norms of administrative proceedings</p>	<p>Elaboration of theoretical questions and writing of procedural documents. Performing independent work (including</p>	<p>Attending a lecture/seminar - 1 point Work at a seminar class* - 0-10 points Completing independent work tasks - 0-5</p>

authorities, local self-government, officials and officials.			in elearn)	points
<b>Topic 8.</b> Constitutional proceedings and proceedings at the European Court of Human Rights.	2/2	Know the general and special norms of European law	Elaboration of theoretical questions and writing of procedural documents. Performing independent work (including in elearn)	Attending a lecture/seminar - 1 point Work at a seminar class* - 0-10 points Completing independent work tasks - 0-7 points
Modular work № 2				30
<b>Total for the semester</b>				<b>70</b>
<b>Екзамен</b>				<b>30</b>
<b>Total for the course</b>				<b>100</b>

\* - under the conditions of distance learning or distance learning, work in a seminar class can be in the form of tasks for seminar classes on the Elearn platform

## ASSESSMENT POLICY

<b><i>Deadlines and Rescheduling Policy:</i></b>	Written works submitted late without good reason will not be graded. About the presence of a good reason, the teacher is warned in writing in the Telegram channel by the student or confirmed by the dean's office. Rescheduling is possible during the session at a specially arranged time.
<b><i>Academic Integrity Policy:</i></b>	Observance of academic integrity by students and responsibility for its violation are regulated by the Regulations on academic integrity at the National University of Bioresources and Nature Management of Ukraine.
<b><i>Attendance Policy:</i></b>	Attendance of classes according to the schedule by students of vocational education helps to increase the educational rating.

## STUDENTS' KNOWLEDGE ASSESSMENT SCALE

<b>Student rating, points</b>	<b>The assessment is national for the results of passing exams</b>	
	<b>exams</b>	<b>credits</b>
90-100	perfectly	counted
74-89	fine	
60-73	satisfactorily	
0-59	unsatisfactorily	not counted

## **TOPICS FROM THE EDUCATIONAL DISCIPLINE "CIVIL-PROCEDURE DOCUMENTS"**

The program of this academic discipline is a short list of topics, their content, tasks and course strategies that encourage students to come to lectures prepared, plan their work and achieve success in studying the material. It was developed taking into account the peculiarities of teaching the course at the faculty of law of the national university of bioresources and nature management of Ukraine. The content and volume of the course determined the choice of active forms of learning that form the need and ability to independently replenish legal knowledge.

### **TOPICS OF LECTURES AND TASKS FOR INDEPENDENT WORK OF STUDENTS**

Lectures promote the activation of students' thinking, allow them to raise problematic questions of the course, show contradictions, and acquaint students with the history of scientific research. In addition, lecture classes allow you to raise problems for independent study by students.

**Topic 1.** Drafting of procedural documents Historical development of drafting of procedural documents. Legal aid. The influence of legal aid on the drafting of procedural documents. Types of procedural documents. The form and content of the statement of claim. Procedural form. The meaning of the procedural form. Compliance with the drafting of a procedural document in its form and content, reasonableness and correct application of the requirements of current legislation.

#### 1.1. Lecture plan

1. Historical development of drafting procedural documents.
2. Legal aid and its influence on drafting procedural documents
3. Types and significance of procedural documents.
4. Procedural form and its meaning.

## 1.2. Independent work:

Questions for independent study

**Topic 2.** The general method of drawing up procedural documents, which are drawn up by persons applying to the court.

The general method of drawing up procedural documents, which are drawn up by persons applying to the court. Analysis of the actual circumstances of the case. General requirements for procedural documents of appeals and court documents. The difference between court documents and application documents. Subdepartment and jurisdiction of civil cases. Subordination to courts of cases. Jurisdiction of cases. Peculiarities of jurisdiction in civil cases. Court costs. State duty (court fee). State duty rates. Postponement and installments of court costs, reduction of their amount, exemption from their payment. Distribution of court costs between the parties. Reimbursement of court costs. Statute of limitations. Limitation periods: general and shortened (special). Features of the application of the statute of limitations. Cases in which the statute of limitations does not apply. Skipping the statute of limitations. Renewal of the statute of limitations. Peculiarities of filing claims and the consequences of non-compliance with procedural and substantive law.

### 2.1. Lecture plan

1. General method of drawing up procedural documents, consisting of persons applying to the court.
2. Analysis of the actual circumstances of the case
3. Tasks for independent work.

### 2.2. Independent work:

Questions for independent study

1. Compliance with the drafting of a procedural document in its form and content, reasonableness and correct application of the requirements of current legislation.

2. What are the consequences of non-compliance with the requirements of substantive and procedural law?

### 2.3. Individual work

Questions for individual work

1. Court costs.
2. State duty (court fee).
3. Allocation of court costs between the parties.
4. Reimbursement of court costs.

**Topic 3.** Compilation of procedural acts by persons participating in the case, and other process participants.

Compilation of procedural documents by persons participating in the case. Analysis of the actual circumstances of the case. Formation of the subject of proof and the content of claims in the case. Proving and proving circumstances that are not subject to proof (proof). Strategy and tactics of drafting procedural documents. Analysis of typical remarks presented by courts when accepting applications. Analogy of law and law.

### 3.1. Lecture plan

1. Compilation of procedural documents by persons participating in the case.
2. Analysis of the actual circumstances of the case.
3. Formation of the subject of proof and content of claims in the case.
4. Proving and proving circumstances that are not subject to proof (proof).

### 3.2. Independent work:

Questions for independent study

1. Competence of authorities regarding the resolution of the issue of divorce.
2. What are the factual circumstances of the divorce case, which is being considered in the course of legal proceedings, and the evidence to support them?
3. Grounds on which the legal composition of the divorce case is formed.

### 3.3. Individual work

Questions for individual work

1. Counterclaim. The form and content of the counterclaim statement.

2. Drawing up an application for the return of the court fee.

3. Drawing up an application for postponement and installments of payment of court costs, reduction of the amount of court costs or exemption from them.

**Topic 4.** Procedural acts of the court at all stages of the court process  
Procedural acts of the court in civil proceedings. Resolution, as a type of resolution of the court of first instance. Court decision, its content. ways of eliminating (correcting) the shortcomings of the court decision. Procedural acts in criminal proceedings. Procedural decisions, as acts of application of criminal procedural law. Court verdict as a type of procedural decision

4.1. Lecture plan

1. Procedural court acts in civil proceedings

2. Procedural acts in criminal proceedings

4.2. Independent work:

Questions for independent study

1. Methods of elimination (correction) of the shortcomings of the court decision

4.3. Individual work

Questions for individual work

1. Resolution, as a type of resolution of the court of first instance.

2. Court decision, its content.

3. Procedural decisions, as acts of application of criminal procedural law.

4. Court verdict as a type of procedural decision.

**Topic 5.** Methodology of drawing up procedural acts in civil cases  
Concept, meaning and types of procedural acts-documents in civil cases. Classification of procedural documents according to the characteristics of the type classification and according to the functional purpose of the procedural act-document. Statements of persons participating in the case. Statements on individual issues arising during the consideration of a civil case. Decision of the court of first instance. Procedural acts-documents in appeal proceedings. Procedural acts-documents in cassation proceedings. Procedural acts-documents in the stage of checking the legality and



reasonableness of court decisions and in the process of execution of court decisions. Procedural acts-documents in the process of execution of court decisions.

#### 5.1. Lecture plan

1. Concept, meaning and types of procedural acts-documents in civil cases
2. Statements of persons participating in the case
3. Decision of the court of first instance
4. Procedural acts-documents in the stage of legality verification and the validity of court decisions and in the process of execution court decisions

#### 5.2. Independent work:

1. Classification of procedural documents on the basis of species classification.
2. Classification of procedural documents according to the functional purpose of the procedural act-document.

#### 5.3. Individual work:

1. Statements on individual issues that arise during the consideration of a civil case.
2. Procedural acts-documents in appeal proceedings. Procedural acts-documents in cassation proceedings.
3. Procedural acts-documents in the process of execution of court decisions.

**Topic 6.** The methodology of drawing up procedural acts in criminal cases  
The importance of the procedural form in criminal proceedings. The legal mechanism of adoption of criminal procedural acts, their system and properties. Decision making process. Concept of criminal procedural form. Logic of procedural documents. Legal document. Types of procedural documents. Protocols of investigative, judicial and other procedural actions. Minutes of administrative and court sessions. The structure of the procedural document. Characteristics of the main criminal procedural acts. Classification of criminal procedural acts.

Requirements to which criminal procedural acts must meet. Legality, objectivity and logic of drafting documents. Language and style of procedural documents.

#### 6.1. Lecture plan

1. The importance of the procedural form in criminal proceedings.
2. Legal mechanism of adoption of criminal procedural acts, their system and properties.
3. Characteristics of the main criminal procedural acts.

#### 6.2. Independent work:

Questions for independent study

1. Concept of criminal procedural form.
2. Legality and objectivity of drafting documents.
3. Language and style of procedural documents.
4. Classification of criminal procedural acts.
5. Requirements that must be met by criminal procedural acts.

#### 6.3. Individual work

Questions for individual work

1. Technical documentation of investigative and judicial actions.
4. Logic of procedural documents.
5. Protocols of investigative, judicial and other procedural actions.
6. Minutes of administrative and court sessions.
7. Resolutions of the investigator and prosecutor.

**Topic 7.** Compilation of procedural documents regarding the appeal in court of decisions, actions or inaction of state authorities, local self-government, officials and officials. Concept of decision, action, inaction of state authorities, local self-government, officials and officials. Principles of judicial control.

Cases on complaints of decisions, actions, inaction of state authorities, local self-government, officials and officials. The procedure for appealing a decision, action, or inaction of state authorities, local self-government, officials and officials, and drawing up procedural documents.

### 7.1. Lecture plan

1. The concept of decision, action, inaction of state authorities, local self-government, officials and officials.
2. Cases on complaints of decisions, actions, inaction of state authorities, local governments, officials and officials.
3. The procedure for appealing a decision, action, inaction of state authorities, local self-government, officials and officials and drawing up procedural documents.

### 7.2. Independent work:

Questions for independent study

1. Principles of judicial control.

### 7.3. Individual work

Questions for individual work

1. Solving situational tasks.
2. Compilation of procedural documents.

**Topic 8.** Constitutional proceedings and proceedings in the European Court on human rights. The history of the formation of the European Court. Activities of the European Court. Types of bodies that are part of the European Court of Human Rights. Application of norms of foreign law in procedural acts. Methods of preparing an appeal (statement) to the European Court of Human Rights. Documents drawn up by the European Court of Human Rights (on the example of a case). The procedure for applying to the European Court of Human Rights. Grounds for an appeal to the European Court of Human Rights. Submission of an application to the European Court of Human Rights. Implementation of decisions of the European Court of Human Rights in Ukraine.

### 8.1. Lecture plan

1. History of the formation of the European Court
2. The procedure for applying to the European Court of Human Rights
3. Submission of an application to the European Court of Human Rights.

### 8.2. Independent work:

### Questions for independent study

1. What types of bodies are part of the European Court of Human Rights?
2. What applications does the European Court of Human Rights consider?
3. How to submit an application to the European Court of Human Rights?

### 8.3. Individual work

#### Questions for individual work

1. Documents drawn up by the European Court of Human Rights (on the example of a case).
2. Implementation of decisions of the European Court of Human Rights in Ukraine
3. Deadlines for execution of decisions of the European Court and control over their execution.

## **STUDENT INDEPENDENT AND INDIVIDUAL WORK PLANS**

Methodical advice for independent work of students The curriculum of the National University of Bioresources and Nature Management of Ukraine provides for lectures, as well as hours for independent work of students under the guidance of a teacher, which are necessary components of the educational process.

The main goal of independent work of students is in-depth comprehensive independent mastering of the material of educational topics, development of their skills in working with printed materials, in particular with basic and additional literature, regulatory and legal acts, as well as computer databases of legal knowledge. This forms the ability to summarize practical results, prepare reports, essays, speeches at scientific and practical conferences, etc.

At the same time, independent work is one of the main elements of the educational process, because the student learns most of the material of the work program of the discipline independently.

### **Topic 1. Compilation of procedural documents**

Literature:

1. The Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters dated January 22, 1993, ratified on November 10, 1994.
2. On advocacy: Law of Ukraine dated December 19, 1992 No. 2887-XII.
3. About the Prosecutor's Office: Law of Ukraine dated November 5, 1991 No. 1789-XI.
4. Civil Procedure Code of Ukraine dated March 18, 2004 No. 1618-IV.

**Topic 2.** The general method of drawing up procedural documents, which are drawn up by persons applying to the court.

Questions for independent study

1. Observance of its form and content when drafting a procedural document,

reasonableness and correct application of the requirements of current legislation.

2. Consequences of not complying with the requirements of substantive and procedural law.

Essay topics

1. Court costs.
2. Court fee.
3. Allocation of court costs between the parties.
4. Reimbursement of court costs.

Literature:

1. Convention on legal assistance and legal relations in civil, family and of criminal cases dated January 22, 1993, ratified November 10, 1994.
2. On advocacy: Law of Ukraine dated December 19, 1992 No. 2887-XII.
3. About the Prosecutor's Office: Law of Ukraine dated November 5, 1991 No. 1789-XI.
4. Civil Procedure Code of Ukraine dated March 18, 2004 No. 1618-IV

**Topic 3.** Compilation of procedural acts by persons participating in the case, and other process participants.

Questions for independent study

1. Competence of authorities regarding the resolution of the issue of divorce.
2. What are the factual circumstances of the divorce case, which considered in the course of legal proceedings, and evidence to support them?
3. Grounds on which the legal composition of the divorce case is formed.

Essay topics:

1. Counterclaim. The form and content of the counterclaim statement.
2. Drawing up an application for the return of the court fee.
3. Drawing up an application for postponement and deferred payment of court costs,

reduction of court costs or exemption from them.

Literature:

1. Constitution of Ukraine: Adopted at the fifth session of the Verkhovna Rada of Ukraine on 28

June 1996 // Vedomosti VRU.-1996.-№30.-Article 141

2. Criminal Procedure Code of Ukraine. - K., 2001.

3. Criminal Code of Ukraine.-K.: Yurinkom Inter, 2001.

4. Criminal Procedure Code of Ukraine. Scientific and practical commentary.

In general ed. V.T. Malyarenko, V.G. Honcharenko - K.: "FORUM", 2003 - 938 p.

5. Loboyko L.M. Criminal procedural law: Course of lectures: Education. manual. - K.: Istyna, 2005. - 456 p.

6. Mykhienko M.M., Nor V.T., Shibiko V.P. Criminal process of Ukraine: Textbook. - 2nd ed., revision. and additional - K.: Lybid, 1999. - 536 p.

7. Civil Procedure Code of Ukraine dated March 18, 2004 N 1618-IV // Official Gazette of Ukraine dated May 7, 2004 - 2004, No. 16, p. 11, Article 1088, Code Act 28609/2004.

**Topic 4.** Procedural acts of the court at all stages of the judicial process

Questions for independent study:

1. Methods of elimination (correction) of the shortcomings of the court decision.

Essay topics:

1. Resolution, as a type of resolution of the court of first instance.

2. Court decision, its content.

3. Procedural decisions, as acts of application of criminal procedural law.

4. Court verdict as a type of procedural decision.

Literature:

1. Constitution of Ukraine: Adopted at the fifth session of the Verkhovna Rada of Ukraine on 28

June 1996 // Vedomosti VRU.-1996.-№30.-Article 141

2. Criminal Procedure Code of Ukraine. - K., 2001.

3. Criminal Code of Ukraine.-K.: Yurinkom Inter, 2001.

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In general ed. V.T. Malyarenko, V.G. Honcharenko - K.: "FORUM", 2003 - 938 p.

5. Loboyko L.M. Criminal procedural law: Course of lectures: Education. manual. - K.: Istyna, 2005. - 456 p.

6. Mykhienko M.M., Nor V.T., Shibiko V.P. Criminal process of Ukraine: Textbook. - 2nd ed., revision. and additional - K.: Lybid, 1999. - 536 p.

7. Civil Procedure Code of Ukraine dated March 18, 2004 N 1618-IV // Official Gazette of Ukraine dated May 7, 2004 - 2004, No. 16, p. 11, Article 1088, Code Act 28609/2004.

## **Topic 5. Methodology of drawing up procedural acts in civil cases**

### **Questions for independent study**

1. Classification of procedural documents on the basis of species classification.

2. Classification of procedural documents according to the functional purpose of the procedural act-document.

### **Essay topics**

1. Statements on individual issues that arise during the consideration of a civil case.

2. Procedural acts-documents in appeal proceedings. Procedural acts-documents in cassation proceedings.

3. Procedural acts-documents in the process of execution of court decisions.



Literature:

1. Civil Procedure Code of Ukraine dated March 18, 2004 N 1618-IV
2. M.Y. Shtefan, "Execution of court decisions", Study guide, Kyiv, Yurinkom Inter 2001.
3. Samples of civil legal documents, V.O. Kuznetsova. - K.: Istyna, 2006.- 206p.
4. Mykhaylenko O.R. Compilation of procedural acts in criminal cases: Training. manual - 2nd ed., supplement. - K.: Yurinkom Inter, 2000. - 256 p.
5. Serdyuk V.P. Workshop on drafting procedural documents (with the use of video recording during investigative actions). Training manual. - Kyiv: Atika, 2000. - 80 p.

**Topic 6.** Methodology of drawing up procedural acts in criminal cases

Questions for independent study:

1. Concept of criminal procedural form.
2. Legality and objectivity of drafting documents.
3. Language and style of procedural documents.
4. Classification of criminal procedural acts.
5. Requirements to which criminal procedural acts must meet.

Essay topics

1. Technical documentation of investigative and judicial actions.
1. Logic of procedural documents.
2. Protocols of investigative, judicial and other procedural actions.
3. Minutes of administrative and court sessions.
4. Resolutions of the investigator and prosecutor.

Literature:

1. The Constitution of Ukraine: Adopted at the fifth session of the Verkhovna Rada of Ukraine on June 28, 1996 // Bulletin of the VRU.-1996.-№30.- Article 141

2. Criminal Procedure Code of Ukraine. - K., 2001.

3. Criminal Code of Ukraine.-K.: Yurinkom Inter, 2001.

5. Criminal Procedure Code of Ukraine. Scientific and practical commentary.

In general ed. V.T. Malyarenko, V.G. Honcharenko - K.: "FORUM", 2003 - 938 p.

6. Order of the Ministry of Internal Affairs of Ukraine dated November 25, 1992 No. 745 "On urgent measures

## **TASKS FOR CHECKING KNOWLEDGE OF INDEPENDENT AND INDIVIDUAL WORK OF STUDENTS**

1. Court procedural documents and procedural appeal documents are combined with each other and form a whole, which is called - . . . . .
2. According to the Civil Procedure Code of Ukraine, court decisions are presented in the following procedural forms:
  - a) resolutions;
  - b) resolutions;
  - c) decision;
  - d) orders;
3. Determine the composition of persons, participants in the civil process, who participate:
  1. in cases of mandatory proceedings;
  2. in cases of legal proceedings
  3. in cases of separate proceedings
  - a) parties, third parties, representatives parties and third parties;
  - b) bodies and persons authorized by law to protect the rights, freedoms and interests of other persons;
  - c) applicants, other interested persons, their representatives;
4. Procedural. . . . this is the participation in the case of several plaintiffs and (or) defendants.  
(Fill in the blank.)
5. The Law of Ukraine "On Advocacy" was adopted:
  - a) December 19, 1992;
  - b) June 25, 2002;
  - c) February 16, 1996;
  - d) November 5, 1991;

6. Specify which parts the procedural documents consist of, namely appeals to the court, made by persons participating in the case:

- a) . . . . .;
- b). . . . .;
- c). . . . .;
- d) profanity.

7. The legal representative for the protection of the rights, freedom and interests of a person recognized as missing is - . . . . .

(Continue the sentence).

8. . . . . is a set of requirements established by law, the fulfillment of which gives reason to consider legal procedural actions of the court, parties, and third parties regarding the filing of claims, statements, adoption of court decisions and resolutions. (Insert the missing phrase.)

9. The Law of Ukraine "On the Prosecutor's Office" was adopted:

- a) November 5, 1991;
- b) December 19, 1992;
- c) February 16, 1996;
- d) June 25, 2002;

10. The system of civil procedural law is determined by:

- a) Structure of the Civil Procedure Code;
- b) the Constitution of Ukraine;
- c) By the relevant law;
- d) Scientific classification.

11. Types of proceedings in a civil process:

- a) Preparation of the case for trial;
- b) Court proceedings;
- c) Prescriptive;
- e) Opening of proceedings in the case.

12. The principles enshrined in the Constitution of Ukraine include:

- a) Dispositivity;

- b) Immediacy;
- c) Administration of justice exclusively by courts;
- d) Procedural equality of the parties.

13. The main principle of civil procedural law is the principle of:

- a) Publicity of the trial;
- b) National language of the judiciary;
- c) Democracy;
- d) Legality;
- e) Dispositivity.

14. Ways of protecting civil rights:

- a) public;
- b) international;
- c) notarial;
- d) judicial.

15. Specify the signs of the principle of civil procedural law are:

- 1) The principle includes a certain idea that makes up its content;
- 2) Principles may be provisions that duplicate other principles;
- 3) Does not have stability and stability;
- 4) Must be directly related to the civil process.

16. Subjects of civil procedural legal relations include:

- a) Persons participating in the case;
- b) Court;
- c) Lawyer;
- d) Prosecutor.

17. The person who provides legal assistance is:

- a) A specialist in the field of law who is legally entitled to legal aid;
- b) Consultant of the parties;
- c) Representative of the parties in the court process;
- d) Lawyer;

18. Elements of civil procedural legal relations:

- 1) Other participants in the civil process;
- 2) Persons participating in the case;
- 3) Court;
- 4) Subjects.

19. Specify the types of jurisdiction:

- 1) Functional and territorial;
- 2) Territorial;
- 3) Functional;
- 4) Exclusive;
- 5) Administrative.

20. Types of state duty according to the method of calculation:

- 1) Simple;
- 2) Proportional;
- 3) Mixed.

21. Specify the elements of the claim:

- a) Subject;
- b) Content;
- c) Appendices;
- d) Ground.

22. The right of cassation appeal may be exercised:

- a) 2 months from the date of entry into force of the decision of the appellate court;
- b) 4 months from the date of entry into force of the decision of the court of first instance;
- c) 1 year from the date of the announcement of the decision by the court of first instance;
- d) 1 month from the date of the decision of the appellate court.

23. After accepting an application for issuing a court order, a decision can be made on:

- a) Return the application for issuing a court order;
- b) Issue a court order;

c) Leave the application without movement;

24. An appeal against a court decision is submitted within:

- 1) 1 month from the day the decision was announced;
- 2) 10 days after submitting the application for an appeal;
- 3) 20 days after submission of the application for appeal;
- 4) 5 days from the date of announcement of the decision.

25. The issue of accepting an appeal for consideration must be resolved for:

- 1) 5 days after its receipt;
- 2) 10 days after its receipt;
- 3) 20 days after its receipt;
- 4) 3 days after its receipt.

## **TASKS FOR INDEPENDENT WORK:**

The student must prepare a written work in which the following questions should be addressed:

1. Define the concept of "executive letter", "court order", describe their content, procedure for issuing and execution.
2. Name the grounds and procedure for concluding a settlement agreement in the process of executing a court decision.
- Q. What circumstances can complicate the execution of the court's decision and what actions should the court take.
4. In what cases can a party to the enforcement proceedings be replaced.

Situational task:

1. Read the task carefully.

On September 14, 2005, by the decision of the Holosiivsky District Court of Kyiv, based on the claim of V. S. Petrenko against S. P. Yakovenko for compensation for damage due to improper performance of the construction contract, it was ordered to collect UAH 12,000 from the defendant. The decision became legally binding, and on October 15, 2005, Petrenko K.S. was issued a writ of execution, which was not presented to the state bailiff within the time limit established by law. Petrenko V.S. applied for renewal of the missed deadline for presenting an executive document for execution, because on May 1, 2006, she gave birth to a dead child and for a long time was in a serious mental state, which led to a long stay in hospital treatment at the 4th city hospital in Dnipropetrovsk, which did not give an opportunity to present the relevant documents. these facts are confirmed by medical certificates and extracts from the medical history.

2. Determine the actions of the court and compile the relevant procedural document in the form of a text file.
3. Send the created text file to the teacher as a result of the task.

Situational task:

1. Read the task carefully.



Citizen P.F. Ivanchuk filed a lawsuit against Chronicle 1.1. about recovery from the last amount of money in the amount of 4,000 hryvnias. for non-fulfillment of the contract. The decision was adopted in favor of the plaintiff and entered into force, and on June 1, 2003, a writ of execution was issued. However, the deadline for presenting the writ of execution passed, and the plaintiff did not present it, explaining it by the fact that he did not clearly understand the procedure and deadline for presenting the corresponding executive document.

2. Analyze the given situation.

3. Determine the order and terms of presentation of the writ of execution for execution.

4. Send the answer in the form of a text file to the teacher as a result of completing the task.

Situational task:

1. Read the task carefully

By the decision of the Leninsky District Court of Dnipropetrovsk dated October 12, 2005, it was decided to collect UAH 21,000 in favor of the plaintiff in a claim for compensation for damage caused by a road accident. The decision became legally binding and enforcement proceedings were opened, during which the parties decided to conclude a settlement agreement.

2. Analyze this situation.

3. Is it possible to conclude a settlement agreement during enforcement proceedings?

4. Determine the actions of the state executor regarding the further implementation of enforcement proceedings in the event of a settlement agreement between the debt collector and the debtor.

5. Send the answer in the form of a text file to the teacher as a result of completing the task.

Situational task:

1. Read the task carefully

By the decision of the Holosiivsky District Court of Kyiv dated November 1, 2006, in the case of the claim of N. on the distribution of the joint property of the spouses, it was decided to allocate a Madonna service for 12 persons with a total cost of UAH 7,500. to the plaintiff The decision entered into legal force and the executive proceedings began. this service was located in the defendant's apartment, and during the execution of the court decision, it was not found, which is why the corresponding act was drawn up.

In this regard, the defendant explained that during the repair work in his apartment, the builders inadvertently broke it while moving the service from one room to another.

2. Determine the plaintiff's actions and make a corresponding statement.
3. What are the procedures for changing the method and order of execution of the decision?
4. Send the created text file to the teacher as a result of the task.

Situational task:

1. Carefully read the assignment Decision of the Krasnogvardiy District Court of Vinnytsia dated February 2, 2006 in the case of the claim of TCL LLC to the city of Music V. V. was ordered to collect from the defendant the arrears for maintenance of the intercom for the last 6 months in the amount of UAH 241. The court's decision became legally binding and enforcement proceedings were opened. Music by V.V. appealed to the court with a request to postpone the recovery amount, because his son, who lives with him, has been in hospital treatment for a month as a result of a road accident and constantly needs expensive medications, so he cannot pay the recovery amount right away.
2. Draw up the relevant procedural document on behalf of the defendant.
3. Resolve this situation and draw up an appropriate procedural act of the court.
4. Send the created text files to the teacher as a result of the task.

Situational task:

1. Read the task carefully.

In the case of I.I. Ivanov's application to P.P. Petrov for the collection of accrued but unpaid wages, the court issued a court order and the corresponding executive document.

2. Are the court's actions legal?

3. What type of executive document does the court issue in this type of proceeding?

4. Draw up the appropriate procedural act of the court based on the Law "On Executive Proceedings".

5. Send the answer in the form of a text file to the teacher as a result of completing the task.

Situational task:

1. Read the task carefully.

The debt collector appealed to the court of first instance with a statement to correct the typo that was made during the execution of the writ of execution. The court began to consider this application, but the debt collector did not submit this executive document to the court for examination, and the court did not request an executive letter from the state executive service on its own initiative.

2. Are the court's actions legal?

3. Analyze possible situations and draw up an appropriate procedural act.

4. Send the answer in the form of a text file to the teacher as a result task performance.

**ORIENTED QUESTIONS FOR THE FINAL CONTROL  
KNOWLEDGE from the discipline "Procedural documents"**

1. Legal assistance.
2. The influence of legal aid on the drafting of procedural documents.
3. Types of procedural documents.
4. Procedural form and its meaning.
5. What is the peculiarity of court documents in contrast to documents-appeals?
6. General requirements for procedural documents of appeals and court documents.
7. Consequences of non-compliance with the norms of substantive and procedural law.
8. Types of state duty according to the method of calculation.
9. Procedural documents certifying the legal personality of natural persons.
10. Procedural documents arising from contractual obligations.
11. Procedural documents establishing facts of legal significance.
12. Procedural documents for the representation of civil relations.
13. Procedural documents arising from the establishment of ownership.
14. Procedural documents in inheritance law.
15. Procedural documents arising from non-contractual obligations.
16. Procedural documents in copyright protection.
17. Procedural documents for the protection of honor, dignity and business reputation of legal entities and individuals.
18. Procedural documents arising from marital and family relations.
19. Procedural documents in the field of residential relations.
20. Procedural documents in the field of labor relations.
21. Procedural documents in the field of land relations.
22. Procedural documents in the field of administrative proceedings.
23. Economic procedural acts.
24. Civil procedural documents.

## 25. Criminal procedural documents.

## **METHODOLOGICAL ADVICE FOR SEMINAR CLASSES FOR STUDENTS**

Seminar classes are one of the organizational forms of higher education. they are designed to ensure the development of creative professional thinking, cognitive motivation and professional implementation of knowledge in educational conditions, to form students' interest in science and scientific and legal research.

Seminar classes are closely related to all types of educational work, in particular with lectures and independent work, and also provide for the sequence of preparation for them and a certain order of conduct. students prepare presentations or essays on theoretical questions. speeches should be illustrated with references to the source base. later, they are discussed as a group.

A peculiarity of the terminological task is the independent work of students with the conceptual apparatus of the discipline history of the state and the law of foreign countries. students receive definitions of concepts at lectures or in a textbook.

## RECOMMENDED SOURCES OF INFORMATION

1. Compilation of procedural documents in pre-trial investigation: educational and methodological manual / alenin y.p., v.g. pozhar, o.o. torbas. [electronic resource] odesa, 2020. 79 p.
2. Compilation of criminal procedural documents at the stage of pre-trial investigation: training. manual / r. i. blaguta, a.-m. yu. angeleniuk, yu. v. hutsuliak and others. lviv: lvduvs, 2018. 384 p.
3. Workshop on drawing up procedural documents: training. manual / qty. author – 2nd ed., revision. and additional – dnipro: lira ltd, 2017. – 308 p.
4. Senyuta i.e. legal positions of the european court of human rights in the field of health care. kharkiv factor. 192. p.
5. Hniezdov o. court instructions in an international civil process. law of ukraine. 2019. no. 6. p. 113-117.