

Figure 2

SCHEMATIC REPRESENTATION

1. Завданнями цивільного судочинства є сприяння, неупереджений та своєчасний розгляд і вирішення цивільних справ з метою відновлення порушених, погіршених або оспорюваних прав, свобод чи інтересів фізичних осіб, прав та інтересів юридичних осіб, інтересів держави.

2. Метою цивільного судочинства є захист порушених, незаконних або оспорюваних прав, свобод чи інтересів фізичних осіб, прав та інтересів юридичних осіб, інтересів держави.

Захист прав здійснюється у разі їх порушення. Відповідно до ст. 15 ЦПК України кожна особа має право на захист свого цивільного права у разі його порушення, невизнання або оспоровання. Кожна особа має право на захист свого інтересу, який не суперечить загальному вищад цивільного законодавства.

3. Об'єктом судового заходу «застава» є майно, свобода та інтереси фізичних осіб, права та інтереси юридичних осіб, інтереси держави. Для розпорядження категорією необхідна певну кількість угод на рішення Конституційного Суду України у справі та в Україні щодо офіційного тлумачення окремих положень частин першої статті 4 ЦПК України (справа про охоронюваний законом інтерес) від 1 грудня 2004 року № 18-рн/2004 (Справа № 1-18/2004).

У п.3.4 Рішення зазначено, що володіння цією землею частини першої статті 8 Конституції України охоронюваний законом інтерес перебуває під захистом не тільки закону, а й об'єктивного права у цілому, що базує у суспільстві, конкретні справедливості, оскільки інтерес у такому розумінні ґрунтується на загальному землемовстві такого права і є його складовою.

[illegible]

Системний аналіз, який провів Конституційний Суд України, свідчить, що поняття "охоронюваний законом інтерес" у всіх випадках виключає його у законах України у логічно-смакловому зв'язку з поняттям "права" має один і той же зміст.

З урахуванням наведених висновків міркувань Конституційний Суд України вирішив, що поняття "охороняваний законом інтерес" — це потреба розуміти як притягання до користування конкретним матеріальним та/або нематеріальним благом, як ґрунтований загальним правом об'єктивного і прямого неопосередкованого у суб'єктивному праві простий легітимний довід, що є самостійним об'єктом судового дозволу та інших засобів правового впливу з метою задоволення індивідуальних і колективних інтересів, які не суперечать Конституції і законам України, суспільним інтересам, справедливості, добросовісності, розумності та іншим загальноправовим засадам.

3) Президентом України. Відповідно до ст. 102 Конституції України Президент України є гарантом державного суверенітету, територіальної цілісності України, додержання Конституції України, прав і свобод людини і громадянина.

2) організація державної влади, органів влади Автономної Республіки Крим або органів місцевого самоврядування. Ці органи здійснюють контрольні функції та беруть участь як залученим чином фактичним діям (наприклад, проведення спеціальних міліційних з'їздів, який посилає на роботу чи власність), так і залученим працівників підприємств різних. (наприклад, рішенням СРСР про гуманітарну реалізацію невеликої продукції, про зусилля порятунку, на деяких підприємств тощо).

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