



COURSE UNIT (MODULE) DESCRIPTION

Course unit (module) title	Code
EXECUTIVE PROCEEDINGS IN UKRAINE	

Lecturer(s)	Department(s)
Coordinator: lect. dr. Nataliia Bulat Other(s):	Vilnius University, Faculty of Law, Center of Ukrainian Law Saulėtekio av. 9, Building 1, LT-10222, Vilnius, e-mail: natalia_bulat@ukr.net

Study cycle	Type of the course unit (module)
First	Optional

Mode of delivery	Course unit delivery period	Language(s) of instruction
Online	5 (autumn) / 6 (spring) semester	Ukrainian

Requirements for students	
Pre-requisites: none	Co-requisites (if any): none

Number of credits allocated	Total student's workload	Contact hours	Self-study hours
5	133	32	101

Purpose of the course unit (module): programme competences to be developed		
The purpose of the course is to enable students to acquire theoretical and practical knowledge concerning general provisions, order and conditions of executive proceedings, to build and improve practical skills in a field of executive proceedings, in particular use of the Unified Register of Private Executors of Ukraine and the Unified Register of Debtors, and protection of rights of subjects during executive proceedings.		
Learning outcomes of the course unit (module)	Teaching and learning methods	Assessment methods
<p><i>The course unit topics 1-4</i></p> <p>Students will be able to understand and analyse general provisions concerning executive proceedings, in particular:</p> <ul style="list-style-type: none"> - to analyse Ukrainian legislation on executive proceedings in historical aspect, to provide arguments in favour of students' views of the legal nature of executive proceedings, to analyse legal sources and principles of executive proceedings, to understand the concept of executive relations, to analyse the legal status of its subjects; - to analyse tasks of the State executive service, to understand the legal status of its officials, guarantees of their independence, to analyse requirements to state executors, an order of their appointment and dismissing, to analyse requirements to private executors, to have practical skills concerning using the Unified Register of Private Executors of Ukraine, to understand particularities of private executors' activity; - to analyse requirements to an executive document and particularities of each kind of executive documents; - to analyse the concept and functions of the Automated System of the Executive Proceedings, particularities of access to it, to have practical skills concerning using the Unified Register of Debtors. 	A problematic method of teaching during lectures and seminars (the analysis of problematic practical issues, discussions), individual studies (critical literature reading)	Examination in written
<p><i>The course unit topics 5-8</i></p> <p>Students will be able to analyse the order and conditions of executive proceedings, have practical skills concerning protection of rights in executive proceedings, in particular:</p> <ul style="list-style-type: none"> - to analyse measures of compulsory execution, to understand complications during executive proceedings and their consequences, to understand executive proceedings funding; - to analyse the role of a court in executive proceedings, to compare relevant procedural norms in civil, commercial and administrative proceedings; - to understand order and conditions of executive proceedings in property and 	A problematic method of teaching during lectures and seminars (case analysis. working in group, discussions), individual studies (critical literature reading)	Examination in written

non-property cases, to analyse particularities of execution of decisions concerning foreigners, stateless persons and foreign entities as well as decisions of foreign courts; - to understand the order of complaining decisions, actions or inaction of executors, the consequences of failure to exercise legal requirements of an executor, to have practical skills of writing a complaint about decisions, actions or inaction of an executor.		
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Content: breakdown of the topics	Contact hours							Self-study: hours and assignments	
	Lectures	Consultations	Seminars	Practical sessions	Laboratory activities	Internship/work placement	Contact hours	Self-study hours	Assignments
1. Concept, value and principles of executive proceedings. Executive relations and their subjects	2		2				4	12	Reading academic literature and main legal sources. Analysis of relevant cases in the court practice.
2. Basis of organization and activity of the state executive service and private executors	2		2				4	12	Reading academic literature and main legal sources. Analysis of relevant cases in the court practice.
3. Acts to be executed	2		2				4	12	Reading academic literature and main legal sources. Analysis of relevant cases in the court practice.
4. The Automated System of Executive Proceedings	2		2				4	8	Reading academic literature and main legal sources. Analysis of relevant cases in the court practice.
5. General conditions and order of realization of executive proceedings. Executive proceedings funding	2		2				4	12	Reading academic literature and main legal sources. Analysis of relevant cases in the court practice.
6. The role of a court in executive proceedings	2		2				4	12	Reading academic literature and main legal sources. Analysis of relevant cases in the court practice.
7. Execution of decisions in property and non-property cases. Execution of decisions concerning foreigners, stateless persons and foreign entities. Execution of decisions of foreign courts	2		2				4	21	Reading academic literature and main legal sources. Analysis of relevant cases in the court practice.
8. Liability in executive proceedings	2		2				4	12	Reading academic literature and main legal sources. Analysis of relevant cases in the court practice.
Total	16		16				32	101	

Assessment strategy	Weight, percentage	Assessment period	Assessment criteria
Examination in written	100	During the examination session	<p>Two open questions to be solved by the students in written, where students are expected to demonstrate the advanced theoretical knowledge of the issues studied during the course and the conceptual understanding of the complexities of executive proceedings.</p> <p>Final exam is evaluated by the 10 points assessment criteria for the final evaluation:</p> <ul style="list-style-type: none"> – 10 points (excellent), excellent knowledge and abilities; – 9 points (very good), strong, good knowledge and abilities; – 8 points (good), better than average knowledge and abilities; – 7 points (average), average knowledge and abilities, with minor

			mistakes; – 6 points (satisfactory), knowledge and abilities are lower than medium, includes some mistakes; – 5 points (weak), knowledge and abilities satisfies minimal requirements; – 4-1 points – unsatisfactory.
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Author	Year of publication	Title	Issue of a periodical or volume of a publication	Publishing place and house or web link
Compulsory reading				
Bushchan A. O.	2018	The problematic issues of enforcement proceedings' characteristics	Volume 29 (68). № 3.	Scientific notes of Taurida National V. I. Vernadsky University. Series: Juridical Sciences. URL: http://nbuv.gov.ua/UJRN/UZT_NU_law_2018_29%2868%29_3_15
Yurkevych Y. M., Verba-Sydor O. B., Hrabar N. M. and others; under the edition by O. B. Verba-Sydor	2020	Executive Proceedings : students book (in diagrams and tables) (electronic edition)		Lviv : Lviv State University of Internal Affairs. URL: http://dspace.lvduvs.edu.ua/handle/1234567890/3221
Kovbas I. V., Krainii P. I.	2020	Coercive measures to ensure the execution of decisions in enforcement proceedings: problems and prospects.	№ 2. Part 2.	Law and Society. DOI https://doi.org/10.32842/2078-3736/2020.2-2.24
Kravtsov S. O., Krikorova E. K.	2020	Executive procedures as the final stage of the judicial proceeds	Volume 31 (70). № 3.	Scientific notes of Taurida National V. I. Vernadsky University. Series: Juridical Sciences. DOI https://doi.org/10.32838/TNU-2707-0581/2020.3/12
Malskyy M. M.	2018	Legal status of the private enforcement officer as a subject of enforcement process and transnational enforcement process	№ 1	Private and Public Law. URL: http://www.pp-law.in.ua/archive/1_2018/8.pdf
Maliarchuk L.	2019	The court order as the executive document – the basis of the discovery of executive proceedings	№ 4 (38)	Jurnalul juridic national: teorie și practică. URL: https://ibn.idsi.md/vizualizare_articol/85200
Serhiienko N. A.	2020	Executive process (as activity): definition and features	Volume 31 (70). № 4	Scientific notes of Taurida National V. I. Vernadsky University. Series: Juridical Sciences. DOI https://doi.org/10.32838/1606-3716/2020.4/09
Uvarova S.	2018	Definition and types of participants in executive proceedings	№ 10	Entrepreneurship, Economy and Law. URI: http://dspace.univd.edu.ua/xmlui/handle/123456789/8883
	28.06.1996	The Constitution of Ukraine : Law of Ukraine № 254к/96-BP		URL: https://zakon.rada.gov.ua/laws/show/254к/96-bp
	04.11.1950	Convention for protection of human rights and fundamental freedoms		URL: https://zakon.rada.gov.ua/laws/show/995_004
	18.03.2004	The Civil Procedural Code of Ukraine : the Law of Ukraine № 1618-IV		URL: https://zakon.rada.gov.ua/laws/show/1618-15

	10.01.2 002	The Commercial Procedural Code of Ukraine : the Law of Ukraine № 2947-III		URL: https://zakon.rada.gov.ua/laws/show/1798-12
	06.07.2 005	The Code of Administrative Justice of Ukraine : the Law of Ukraine № 2747-IV		URL: https://zakon.rada.gov.ua/laws/show/2747-15
	02.06.2 016	On the Executive Proceedings : the Law of Ukraine № 1404-VIII.		URL: https://zakon.rada.gov.ua/laws/show/1404-19
	23.02.2 006	On the Fulfillment of Decisions and Application of Practice of the European Court of Human Rights : the Law of Ukraine № 3477-IV		URL: https://zakon.rada.gov.ua/laws/show/3477-15
	05.06.2 012	On the Guarantees of the State concerning Execution of Courts Decisions : the Law of Ukraine		URL: https://zakon.rada.gov.ua/laws/show/4901-17
	02.06.2 016	On the Bodies and Persons Who Exercise Compulsory Execution of Courts Decisions and Decisions of other Bodies : the Law of Ukraine № 1403-VIII		URL: https://zakon.rada.gov.ua/laws/show/1403-19
	02.04.2 012	On the Approval of the Instruction on the Organization of Compulsory Execution of Decisions : the Order of the Ministry of Justice of Ukraine № 512/5		URL: https://zakon.rada.gov.ua/laws/show/z0489-12
	05.08.2 016	On the Approval of the Ordinance of the Automated system of executive proceedings : the Order of the Ministry of Justice of Ukraine № 2432/5		URL: https://zakon.rada.gov.ua/laws/show/z1126-16

Recommended reading

Dragan O.	2019	Prosecutor's advance payment in executive proceedings: analysis of legislation and court practice	Vol. 6, Issue 2	Evropsky politicky a pravni diskurz. URL: https://eppd13.cz/wp-content/uploads/2019/2019-6-2/23.pdf
Fursa Y.	2019	Further reform of enforcement proceedings in Ukraine: international standards and a foreign element	№ 4.	Law Review of Kyiv University of Law. DOI: 10.36695/2219-5521.4.2019.36
Mozhaikina O.	2018	Mediation in executive proceedings	Sv. 5, Vyd. 1	Можайкіна О. Медіація у виконавчому провадженні. Evropský politický a právní diskurz. URL: http://nbuv.gov.ua/UJRN/evrpo_1_2018_5_1_20
Shcherbak S. V.	2020	The science of the executive process: the prerequisites	№ 3	Law Review of Kyiv University of Law. DOI: 10.36695/2219-5521.3.2020.34.
Sibilov D. M.	2018	Institute of force-majeure circumstances and executive procedure	№ 1	Juridical scientific and electronic journal. URL: http://lsej.org.ua/1_2018/13.pdf
Snidevych O.	2019	Legal regulation of consolidated executive procedure in Ukraine's executive procedure legislation	№ 2-2 (36)	Jurnalul juridic national: teorie și practică. URL: https://ibn.idsi.md/vizualizare_articol/83480
Stefanchuk M. M.	2018	Enforcement of several executive documents in respect of one debtor: legal certainty	№ 6 (24)	Eurasian Academic Research Journal. URL: http://www.earj.org/wp-content/uploads/2018/10/2018_24_EARJ.pdf#page=21
Stefanchuk M.	2019	The Practice of the Supreme Court as an Indicator of the Defects in	No. 1-2 (69-70)	University Scientific Notes. DOI: 10.37491/UNZ.69-70.4

		Legislation on Enforcement Proceedings		
Voronko O. O.	2018	Search for property of a debtor in a process of enforcement proceedings in France	№ 35. Volume 2.	Scientific Bulletin of the International Humanities University. Series: Jurisprudence. DOI https://doi.org/10.32841/2307-1745.2018.35.2.4