

## SUMMARY

**Key Words:** procedural form, statement of claim, content of the statement of claim, requisites of the statement of claim.

**Subject matter:** Procedural procedure for suing a court of general jurisdiction.

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**The relevance of the research topic** The protection of violated or challenged civil rights is carried out by various jurisdictional bodies, but the court occupies the leading place among them. The subjective civil rights that belong to the participants in the property turnover should not only be realistically enforceable. The subjects of these rights must have the ability to stop the violation of rights, their restoration, compensation for all losses caused by the violation of subjective rights.

Civil law governs the protection of civil rights, the list of which is specified in Art. 12 Civil Code of the Russian Federation. These methods are universal in nature and can be applied to protect any subjective civil law. The choice of a claim as an effective tool for protecting or restoring a violated right, on the one hand, is determined by the objective nature of actions that violate the law, and on the other hand, is dictated by the needs of procedural tactics, which must be chosen to achieve the goal. Filing a lawsuit is an essential procedural action. Failure to comply with the procedure for bringing a lawsuit in court entails the impossibility of initiating a civil case in court and, as a consequence, the impossibility of protecting subjective rights. Thus, the procedural procedure for filing a lawsuit in court is a complex of procedural actions of a person interested in protecting the rights, as well as a court aimed at initiating a civil case as the beginning of the procedure for administering justice..

**The purpose of the work:** analysis of the procedural legislation governing the procedure for filing a lawsuit in a court of general jurisdiction and the identification of legal problems associated with this.

**Objective:** define the concept of a claim, compare it with the concept of a statement of claim; analyze the procedure for filing a lawsuit in court; explore the grounds for refusing to accept the statement of claim and return it by the court; identify problems arising from a lawsuit.

**The theoretical and practical significance of the research.** The results can be used later in the scientific analysis of the problems of legal regulation of the institute of action in a civil process, the procedure for bringing it to court in general jurisdiction, as well as in the writing of scientific articles relating to these problems and in the teaching of such disciplines as the civil process, the arbitration process.

### **The results of the study.**

1. The leading, leading role among the various forms of protection of the law is played by the judicial form, in which the lawsuit is a priority.
2. The definition of the lawsuit for many years causes lively discussions among scientists. A critical analysis of various versions of the concept of a lawsuit leads to the conclusion that it is necessary to define the concept of a lawsuit as follows: A lawsuit is a substantive claim of an interested person to protect his or her own right or an interest protected by law, turned to the court to confirm the existence or absence of a disputed legal relationship and for compelling a defendant to fulfill his duties or to terminate (change) a disputed legal relationship. We believe that it is precisely this definition of the concept of the claim that meets the requirements of the unity and universality of the claim as a remedy.
3. The unified and indivisible concept of a claim as a requirement for judicial protection of one's or someone else's right (interest) is also necessary for solving a number of practical issues, for example, for resolving the issue of the right of procedural plaintiffs (that is, persons protecting someone else's law or interest) to change during the process, the basis and (or) the subject of the

claim.

4. The concept of a claim cannot be changed depending on who is applying for judicial protection. A lawsuit is a single and universal remedy for judicial protection, both of one's own law and of another's (interest).

5. The purpose of the claim, both in the case of a claim to persons defending their right or interest, and in the case of a claim to persons defending another's right or interest, is a violated or challenged right or legitimate interest, in the ways provided by law. The purpose of the claim can be achieved provided that the plaintiff, regardless of whose right or interest he asks to defend, refers to the justification of his claim for a certain set of legal facts confirming the existence of the right or interest itself, as well as its violation or contest.

6. A lawsuit is a means of initiating a civil process, namely, lawsuit proceedings. In this regard, we can distinguish the following features that are characteristic of a lawsuit and a form of defense: a lawsuit always involves a dispute about the law and, accordingly, the legal form of defense is due to the existence of a dispute about subjective law between the plaintiff and the defendant.; a dispute about the right between the plaintiff and the defendant means that these persons have opposing legal interests in the process; resolution of the substantive dispute of the parties requires the presence of a third entity, independent and impartial, who is competent to resolve this dispute.

7. It is necessary to distinguish between the concept of "lawsuit" and "statement of claim." The lawsuit and the statement of claim are correlated as the content and its external form.

**Recommendations:**

1. In the text of part 1 of article 154 Code of Civil Procedure of the Russian Federation the words "receipt of the application to the court" should be replaced by "acceptance of the application for production."

2. Situations of practical application of the requirements of the legislator on the submission of documents confirming the circumstances on which the plaintiff bases his claims, as a mandatory appendix to the statement of claim indicate a possible violation of the plaintiff's right to judicial protection and a fair trial. The specified procedural design allows the court to abuse its procedural rights, since it violates the balance of the procedural balance between the parties and the court. The procedural form in this case does not fulfill its purpose in creating the same procedural conditions for all subjects of civil proceedings including the court. By virtue of this, the requirement of the legislator on the mandatory application to the statement of claim of documents confirming the circumstances on which the plaintiff bases his requirements as an element of the procedural form of the statement of claim and its application should be excluded from article 132 of the Code of Civil Procedure of the Russian Federation.