

SUMMARY

Key Words: legal status of the parties, arbitration process, litigation, process scholars, responsibilities of the parties in the process, scientific relevance

Subject matter: Legal status of the parties in the arbitration process

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The supervising organization: The sixteenth Arbitration Court of Appeal

The relevance of the research topic The problem of determining the legal status of the parties in the arbitration process of the Russian Federation is traditionally considered one of the most popular and at the same time complex. This is not surprising, because it is the parties - a mandatory element of litigation. Historically, the emergence of the judiciary is associated with the emergence of the need to "judge" the disputants with the help of a disinterested, fair and powerful person. Such a person could be a sovereign, an official of the appropriate rank. As a result, such a person was the court - a special body of the state, designed to resolve legal disputes. The problem of determining the legal status of the "disputants", i.e. the parties, attracts the most attention of procedural scientists that no serious study made in the field of arbitration procedural law can not touch upon the issues of signs, role, rights and obligations of the parties in the process. The complexity of the problem is obvious because the problem itself is very extensive and includes a number of important areas - these are the issues of the essence of the lawsuit, and the problem of the right to claim and the right to sue, and aspects of arbitration procedural optionality, and much more.

However, the basic, basic theoretical studies of this problem were made in the 60-70-ies of the last century. The prevailing legal ideology of that time led to a specific approach to the conceptual study of the problem of the legal status of the parties in the arbitration process. That is why, in the light of the political and economic changes that have taken place in the country, as well as the recent update of the arbitration procedural legislation, the chosen subject of the study becomes even more scientific relevance.

The purpose of the work: analysis of the legal status of the parties in the arbitration process

Objective: - to consider the history of the establishment of arbitration courts in the Russian Federation;

- to analyze the concept, system and powers of arbitration courts in Russia;

- give the concept of the parties in the arbitration process;

- describe the legal status of representatives of the parties in the arbitration process;

- disclose the procedure for replacing an improper defendant;

- to investigate the order of procedural succession.

The theoretical and practical significance of the research: Reconstructurable the legal status of the parties to the arbitration have processpreprocess the need for recourse to the works of Russian scholars of law, political theory and sociology of law, history of legal thought: M. V. Antonov, N. In. Varlamova, V. G. Graftsky, Y. I. Grevtsova, V. D. Zorkin, S. N. Kasatkina, I. Y. Kozlikhin, V. A. Kozlov, V. V. Lazarev, V. V. Lapaeva, D. I. Lukovskoy, O. V. Martyshin, Nersesyants V. S., A.V. Polyakov, N. N. Tarasova, I. L. Chestnov etc., and foreign theorists - R. Laiho, E. B. Bulygina, B. Bix, R. Dworkin, Kelsen, E. Pattaro, S. L. Paulson, W. Twining, John. Times, Radbruch, A. Ross, R. Summers, L. Fuller, G. Hart, and others.

The methodological basis of the research is the system, formal-logical, comparative-legal, historical,

sociological, logical and legal, as well as system-structural methods.

Results of the study: 1. In contrast to the common opinion in the literature that the legal position of the parties involved in the case is determined by a set of features, it is concluded that the only feature that unites in one group of these persons involved in the case is their interest in the case, which has a procedural nature.

2. The procedural interest as an incentive to participate in the proceedings is understood as the

direction of the procedural activity of the person participating in the case, to a certain result, expressed in the relevant judicial act.

3 .Analysis of the institution of complicity in the arbitration process allowed make a conclusion to allocate two types of compulsory participation in arbitration notice: 1) conditionally essential complicity (for it to occur, the process requires the consent of the plaintiff in engaging in the process of all those who could respond on its request); 2) clearly required the complicity (for his appearance enough guidance in the act not necessary bringing into the process all persons in the material interest.)

4 .Analysis of the rules governing the procedural succession as the replacement of the party in the arbitration process, led to the conclusion that such a replacement is possible not only in the proceedings, but also in the proceedings arising from administrative and other public relations.

5.Analyzing the legal position of the court in the arbitration process, as well as the content of the rights and obligations of the parties in the arbitration process at various stages and stages of the resolution of the case, the author concludes that, despite the imperious nature of the court's relations with the participants in the process, the rights of the parties enshrined in the law correspond to the relevant duties of the arbitration court, the main of which is the court's duty to make a legal and reasonable decision.

Recommendations: to fix in article 44 of the APC a universal definition of the parties to the arbitration process: "the Parties to the arbitration process are persons whose dispute about the rights and obligations must be resolved by the arbitration court; having opposite interests; acting in the process of the name in defense of subjective rights in the field of business (or another economic) activities; obliged to obey the legal act of force; bearing the burden of costs in the case»;

- - it is proposed to amend article 53 of the APC: in part 3 of this article to list the specific rights and obligations of state bodies, local governments and other bodies as an independent group of subjects of arbitration .