

**CIVIL LAW AND CIVIL PROCEDURE;  
FAMILY LAW; PRIVATE INTERNATIONAL LAW**

**Kotvyakovskiy Y.O.,**

*Senior Instructor at Department of Justice,  
Sumy National Agrarian University*

**ON THE ORDER OF INTERACTION OF ARBITRATION  
WITH THE SYSTEM OF GENERAL COURTS OF UKRAINE**

The article analyses the current state of the domestic arbitration legislation regarding the regulation of arbitration interaction with the system of general courts of Ukraine. The author reviews scientific publications on particular aspects of the problem of judicial control of arbitration. An attention is drawn to the peculiarities of the control function and the difference between its implementation and appeal and cassation court decisions.

Besides, based on given analysis, we arrive at the conclusions of unjustified restriction of the competence of arbitration courts in Ukraine which is associated with legislative measures aimed at eliminating abuses in the arbitration proceedings.

In this regard, we propose amendments to the Law of Ukraine "On Arbitration Courts" that are aimed at eliminating these constraints by improving the mechanism for judicial review of the legality of arbitration decisions. In particular, proposals are made for the state courts authority to cancel the decisions of the arbitration courts in cases of violation by this decision of the statu-

tory order of transfer of immovable property ownership rights, misuse of establishing control over a legal person, and introducing a mechanism of recognition of an arbitration decision in cases where its implementation would require actions by state or local governments.

We also consider the problem of "dual control" over the decisions of arbitration courts. In this connection, it is proposed to provide the rights of the person concerned to appeal for issuance of an executive document, in case of a failure by a competent court for an application of cancellation of the arbitration decision, as well as the inability to appeal the arbitration decision, against which the competent court issued the executive document.

The author believes that making appropriate changes will help create a balanced mechanism for control on the part of the state judicial system and will increase the effectiveness of the protection of rights and legal interests by arbitration courts. This, in turn, will create conditions for increasing public confidence in the arbitration and expanding its scope of application.