

compensation to the airline that caused the flight to be delayed or canceled, but here is an important moment that you should know regulatory acts and laws so that you create a correct claim and judge can satisfy it. However, this requires knowledge of the law in order to clearly explain the situation and explain where your rights have been personally violated and what compensation you expect.

#### *Literature*

1. Повітряний кодекс України від 19.05.2011 № 3393-VI. *Відомості Верховної Ради України*. 2011. № 48-49. URL: <https://zakon.rada.gov.ua/laws/show/3393-17#Text>

2. Отмена рейса: что вам должны и когда реально получить компенсацию у авиакомпании. URL: <https://www.eurointegration.com.ua/rus/experts/2017/06/7/7066777/>

3. Державна авіаційна служба України. URL: <https://avia.gov.ua/pasazhiram/prava-pasazhiriv/>

UDC 343.364.1:347.92 (043.2)

**Grabovskiy G.**, Student,  
National Aviation University, Kyiv, Ukraine

**Hlomb Y.**, postgraduate student,  
Kyiv University of Law of the National Academy of Sciences of Ukraine,  
Judge of the Rivne District Administrative Court, Rivne, Ukraine

### **CRIMINAL LIABILITY FOR MISLEADING A COURT IN CIVIL PROCEEDINGS: THE ISSUE OF PROSECUTION OF FOREIGNERS**

Ukraine is in the process of reforming its legislation to build an effective justice system. Only one activity of the court is not able to ensure the high quality of justice in the conditions of the dishonesty of other participants in the trial. Besides, at the present stage, in terms of simplified conditions for the movement of persons between states are growing, the number of cases that are considered with the participation of a foreign element, the prosecution of which has its own characteristics. Consequently, the reforms of the legislative level have to take into account such features. At the same time, the improvement of legislation requires the creation of effective mechanisms for its implementation. An important guarantee of ensuring the quality of judicial proceedings is the reliability of the information provided by participants in civil proceedings during the consideration of a civil case. The guarantee of which is the possibility of applying criminal liability under Article 384 of the Criminal Code of Ukraine, for misleading into the court, including to a foreigner or a stateless person. In the implementation of this type of liability provisions, several

objectively determined general problems need to be solved in practice.

Such jurists as O. Gabro, O. Voitenko, O. Knyzhenko, V. Matviychuk, Y. Chugaenko and others studied criminal liability for giving false testimony in court. However, the scope of criminal prosecution of a foreigner for misleading the court in civil proceedings remains almost unexplored and therefore needs further discussion and research to effectively improve the mechanism for enforcing such liability and improving legislation in this area.

Therefore, the purpose of this study is to clarify the problems associated with the implementation of criminal liability for misleading the court by a foreigner or a stateless person in civil proceedings.

Article 384 of the Criminal Code of Ukraine (hereinafter the Criminal Code) introduces criminal liability for misleading the court in such ways as giving knowingly false testimony, misrepresentation of a court or other authorized body. The list also includes knowingly incorrect translation made by a translator during the trial, which is punishable by correctional labour for up to two years or arrest for up to six months, or restriction of liberty for up to two years [1, p. 120; 2].

Consequently, by the provisions of Part 1 of Art. 384 of the Criminal Code and the essence of civil proceedings, misleading the court during the consideration of civil cases may take the form of giving knowingly false testimony by a witness, knowingly false opinion of an expert, specialist or knowingly incorrect translation made by a translator, etc [2].

Most difficulties arise in the process of establishing the guilt of a person in the cases of misleading the court by giving knowingly false testimony by a witness, or explanations by another participant in the process, who is a foreigner or a stateless person. Including the possibility of criminal liability in the context of Art. 93 of the Civil Procedure Code of Ukraine [3, p. 71; 4].

However, prosecution for the above violations, although theoretically possible, is complicated in practice by the lack of a coherent mechanism for implementing these provisions. There are several reasons for this. First, there are difficulties in proving that a person has indeed provided false information, rather than simply remembered the circumstances differently. And when establishing this in the case of a foreigner or a stateless person, the situation may be complicated by subjective perception due to mental differences due to cultural and social characteristics, as well as differences in mentality of foreigners from different countries and regions of the same country. Given the above conditions, it is sometimes quite difficult to make sure that the essence of the testimony is not correctly conveyed.

Secondly, although a witness is warned of criminal liability for giving false testimony, it is possible to prosecute him only if his testimony directly contradicts the circumstances outlined in the court verdict, otherwise, it is difficult to prosecute.

Moreover, in the modern period, there is no procedural mechanism for determining what is «deliberate» misleading of the court and not the developed method of determining such awareness by a foreigner or a stateless person, which is greatly complicated by linguistic and cultural differences of such persons. Therefore, the question in which cases criminal liability may arise and how criminal liability arises is may quite debatable.

Therefore, this issue needs further research and reform of legislation to improve it. The main goal should be to create an effective mechanism for punishing those who violate the provisions Article 384 of the Criminal Code and Article 93 of Civil Procedure Code of Ukraine. This mechanism must be effective including in cases of the participation of a foreigner or stateless person in the process, because no matter how fair the proceedings, the correct decision is impossible without the court receiving reliable information and facts.

#### *Literature*

1. Gabro O.I. The subjective side of the crime is knowingly false testimony. *Legal science*. Kiev, 2011. № 4-5. P. 120-132.

2. Criminal Code of Ukraine: Law of Ukraine of 05.04.2001 № 2341-III. Date of update: 28.03.2021. URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date of application 12.04.2021).

3. Hlomb Y.O. Misleading into the court: some issues of criminal liability for abuse in the field of civil justice. *Modern law in the era of social change: XI International scientific-practical conf.*, Feb. 26. 2021: mater. conf. National Aviation University. Volume 2. Ternopil, 2021. P. 70-72.

4. Civil Procedure Code of Ukraine: Law of Ukraine of 18.03.2004 № 1618-IV. Date of update: 13.08.2020. URL: <https://zakon.rada.gov.ua/laws/show/1618-15#Text> (date of application 12.04.2021).

УДК 347.9(043.2)

**Дідківська В.О.**, здобувач вищої освіти  
першого (бакалаврського) рівня,  
Національний авіаційний університет, м. Київ, Україна  
Науковий керівник: Падун Р.В., к.ю.н.

## **МИРОВА УГОДА СТОРІН, ЯК ФАКТОР ВРЕГУЛЮВАННЯ СПОРУ**

На даний момент інститут мирової угоди сторін займає важливе місце у цивільному процесуальному праві України, оскільки з моменту набрання законної сили ухвалою суду про визнання мирової угоди сторін припиняється цивільно-правовий спір, що виключає розгляд справи в апеляційній та касаційній інстанціях. Саме тому дослідження питань, пов'язаних із мировою угодою сторін, зокрема, порядку укладання