



UDC 347.952

[https://doi.org/10.52058/2786-5274-2024-9\(37\)-255-267](https://doi.org/10.52058/2786-5274-2024-9(37)-255-267)

**Vorobel Ulyana Bohdanivna** PhD in Law, Senior Lecturer, Department of Civil Law Disciplines, Law Institute, Lviv State University of Internal Affairs, Horodotska St., 26, Lviv, <https://orcid.org/0000-0003-0480-5394>

## LEGAL ASPECTS OF DETERMINING THE PLACE OF ENFORCEMENT OF A COURT DECISION IN CIVIL CASE

**Abstract.** The article is dedicated to studying the features of legislative determination of the territorial location for the submission of an enforcement document for judgment enforcement, as well as analyzing the legal positions expressed by higher judicial authorities on this issue.

The methodological basis of the research includes comparative, dialectical, system-structural, and normative-logical methods of cognition, which enabled the analysis of legal norms, practical aspects of their application, and the proposal of solutions to the identified issues concerning the determination of the territorial location for the submission of enforcement documents for judgment enforcement.

It is concluded that the criteria for determining the place of enforcement of an enforcement document are: (1) the place of residence or location of the debtor - an individual; (2) the place of work of the debtor - an individual; (3) the location of the debtor - a legal entity; (4) the location of the debtor's property; (5) the place where the actions provided by the decision are performed.

It is established that the determination of the place of enforcement of an enforcement document regarding the claimant (as an individual debtor) should be carried out at the registered place of residence of the debtor. Any other address of the debtor's residence or information about the debtor's location may serve as additional information and facilitate the enforcement of the decision but should not be used as a legal fact that the Law of Ukraine "On Enforcement Proceedings" associates with the place of enforcement of the decision, and with it, the enforcement district of a private executor.

It is stated that the initiation of enforcement proceedings based on the criterion of the location of the debtor's property can only be carried out if there is documentary evidence of the existence of such property within the territory under the jurisdiction of the state enforcement service or within the enforcement district of a private executor. In particular, information about accounts opened in the name of the debtor in banks or other financial institutions located within the territory under the jurisdiction of the state enforcement service or within the enforcement district of a private executor.

**Keywords:** debtor, creditor, enforcement officer, enforcement document, place of enforcement, enforcement proceedings.





**Воробель Уляна Богданівна** доктор філософії в галузі права, старший викладач, кафедра цивільно-правових дисциплін, Інститут права, Львівський державний університет внутрішніх справ, вул. Городоцька, 26, м. Львів, <https://orcid.org/0000-0003-0480-5394>

## ПРАВОВІ АСПЕКТИ ВИЗНАЧЕННЯ МІСЦЯ ВИКОНАННЯ СУДОВОГО РІШЕННЯ У ЦИВІЛЬНІЙ СПРАВІ

**Анотація.** Стаття присвячена вивченню особливостей законодавчого визначення територіального місця пред'явлення виконавчого документа до виконання, а також аналізу правових позицій, висловлених вищими судовими органами щодо цього питання.

Методологічною основою дослідження є компаративістський, діалектичний, системно-структурний, нормативно-логічний методи пізнання, що дозволили проаналізувати норми законодавства, практичні аспекти їх застосування та запропонувати шляхи вирішення визначених проблем, що стосуються визначення територіального місця пред'явлення виконавчого документа до виконання.

Зроблено висновок про те, що критеріями визначення місця виконання виконавчого документа є: 1) місце проживання, перебування боржника – фізичної особи; 2) місце роботи боржника - фізичної особи; 3) місцезнаходження боржника - юридичної особи; 4) місцезнаходження майна боржника; 5) місцем вчинення дій, передбачених рішенням.

Встановлено, що визначення місця виконання виконавчого документа щодо позивача (як фізичної особи-боржника) має відбуватися за зареєстрованим місцем проживання боржника. Будь-яка інша адреса місця проживання чи відомості про місце перебування особи-боржника можуть слугувати додатковою інформацією і сприяти примусовому виконанню рішення, але не використовуватися як юридичний факт, з яким Закон України «Про виконавче провадження» пов'язує місце виконання рішення, а з ним і виконавчий округ приватного виконавця.

Констатовано, що відкриття виконавчого провадження за таким критерієм як місцезнаходження майна боржника може здійснюватися лише за наявності документального підтвердження відомостей про наявність такого майна у межах території, на яку поширюється компетенція органу державної виконавчої служби, або в межах виконавчого округу приватного виконавця. Зокрема відомостей про відкриті на ім'я боржника рахунки в банках або інших фінансових установах, розташованих в межах території, на яку поширюється компетенція органу державної виконавчої служби або у межах виконавчого округу приватного виконавця.

**Ключові слова:** боржник, стягувач, виконавець, виконавчий документ, місце виконання, виконавче провадження.



**Formulation of the problem.** The enforcement of court judgments in civil cases is an integral part of the right to a fair trial and one of the procedural guarantees of access to justice, as provided by Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms. One of the factors that negatively affect the effective protection and restoration of violated rights is the delay in the enforcement of court decisions, which may be caused by the incorrect determination of the place of initiation of enforcement proceedings.

Moreover, the initiation of enforcement proceedings in violation of the rules regarding the location for executing the decision results in the violation of the parties' rights, as it leads to an artificial increase in enforcement costs due to the distance between the location of the authority or individual responsible for the enforcement of the court decision and the actual place of enforcement, which is determined by the debtor's residence, location, or the location of their property. Additionally, the enforcement of a court judgments not at the location of the debtor's property or place of residence complicates the enforcement process and may lead to delays in the enforcement of the court decision [1, 2].

**Analysis of recent research and publications.** Research on the enforcement of court judgments and the problems associated with it has been addressed by scholars such as A. Avtorgov, Yu. Bilousov, S. Fursa, Ye. Fursa, D. Ishchenko, S. Shcherbak, and O. Verba. However, the issue of determining the location for the enforcement of court decisions has received very little attention from researchers.

**The purpose of the article** is to examine the specific legislative provisions regarding the determination of the territorial location for the submission of enforcement documents for judgment enforcement, as well as to analyze the legal positions expressed by the highest judicial body on this matter.

**Presentation of the main research material.** According to Part 1 of Article 24 of the Law of Ukraine "On Enforcement Proceedings", enforcement actions are carried out by a state enforcement officer based on the following locations: (1) the debtor's residence, (2) place of stay, (3) place of work, or (4) location of their property. The right to choose the place of initiation of enforcement proceedings among several state enforcement bodies, which may carry out enforcement actions within the territory covered by their functions, belongs to the creditor [3].

A private enforcement officer accepts enforcement documents for enforcement based on the following locations: (1) the residence, (2) place of stay of the debtor (if a natural person), (3) the location of the debtor (if a legal entity), or (4) the location of the debtor's property. Enforcement actions in enforcement proceedings initiated by a private enforcement officer within their enforcement district may be carried out by them throughout the entire territory of Ukraine (Part 2 of Article 24 of the Law of Ukraine "On Enforcement Proceedings") [3]. Natural or legal persons have the right to freely choose a private enforcement officer from among those listed in the Unified Register of Private Enforcement Officers of Ukraine, taking into account the amount of recovery and the place of enforcement



of the decision as defined by the Law of Ukraine "On Enforcement Proceedings" (Part 1 of Article 27 of the Law of Ukraine "On the Bodies and Persons Authorized to Carry Out Enforcement of Court Decisions and Decisions of Other Bodies") [4].

The enforcement of a judgment that obliges the debtor to perform specific actions is carried out by the enforcement officer at the location where such actions are to be performed (Part 3 of Article 24 of the Law of Ukraine "On Enforcement Proceedings") [3].

Thus, the acceptance of enforcement documents by a state or private enforcement officer for enforcement is conducted according to the territorial principle. This principle implies that a state enforcement officer has the right to accept enforcement documents for judgment enforcement, provided that the place of enforcement is within the territory under their jurisdiction. A private enforcement officer, in turn, has the right to accept enforcement documents for judgment enforcement if the place of enforcement falls within the district where the officer operates, and if information about them is recorded in the Unified Register of Private Enforcement Officers of Ukraine [5].

Thus, based on the content of Parts 1 and 2 of Article 24 of the Law of Ukraine "On Enforcement Proceedings" [3] and Article 25 of the Law of Ukraine "On Bodies and Persons Carrying out Enforcement of Court Decisions and Decisions of Other Bodies" [4], it is evident that an enforcement officer (state or private) has the right to accept the submitted enforcement documents and initiate enforcement proceedings if the place of residence, stay of the debtor (a natural person), or the location of the debtor (a legal entity), or the location of the debtor's property is:

- for a state enforcement officer, within the territory covered by the jurisdiction of the state enforcement service;
- for a private enforcement officer, within the enforcement district in which the private enforcement officer operates and where the relevant jurisdiction of this private enforcement officer applies [5].

Information about the place of residence, stay of the debtor, or the location of the debtor (a legal entity) is specified in the enforcement document. Therefore, as a general rule, the enforcement document can be submitted for enforcement based on the data contained therein. However, this information is not necessarily determinative in the choice of the place of enforcement of the decision [6, p. 17].

According to paragraph 29, item 3, Section III of the Instruction on the Organization of Forced Enforcement of Decisions, approved by the Order of the Ministry of Justice of Ukraine No. 512/5 dated April 2, 2012, if the enforcement document is submitted to a state enforcement service or a private enforcement officer at the place of residence or stay of the debtor (a natural person), or the location of the debtor (a legal entity), and the address differs from the one specified in the enforcement document, the creditor must attach a document/copy of a document to the application for forced enforcement that confirms that the location of the debtor (a legal entity) or the address of residence or stay of the debtor (a natural person)





falls within the jurisdiction of the state enforcement service or the territory of the private enforcement officer's district [7].

The criteria specified in Article 24 of the Law of Ukraine "On Enforcement Proceedings" for determining the place of enforcement of an enforcement document are as follows: (1) the place of residence or stay of the debtor (a natural person); (2) the place of work of the debtor (a natural person); (3) the location of the debtor (a legal entity); (4) the location of the debtor's property; (5) the place where the actions specified by the decision are to be performed [8, p. 319].

The Supreme Court has repeatedly emphasized in its decisions that the debtor's place of residence plays a crucial role in enforcement proceedings, both in determining the enforcement district where the proceedings should take place and in enabling the debtor to exercise their rights and fulfill their obligations during the enforcement process. According to Article 19 of the Law of Ukraine "On Enforcement Proceedings", the parties involved in enforcement proceedings have the right to, among other things, familiarize themselves with the case materials, make extracts, take copies, appeal against decisions, actions, or inaction of the enforcement officer in accordance with the law, challenge the enforcement officer's decisions in cases prescribed by law, submit additional materials, file petitions, participate in enforcement actions, and provide oral and written explanations. This article also imposes several obligations on the debtor, such as informing the enforcement officer about full or partial voluntary fulfillment of the decision, or about circumstances requiring mandatory suspension of enforcement actions, timely appearance upon the enforcement officer's request, allowing the officer access to their residence and other premises for enforcement actions, and so on [3].

In this context, the forced enforcement of decisions should be, to some extent, aligned with and tied to the debtor's place of residence or stay. This not only enables the debtor to properly exercise their rights and obligations as a participant in the enforcement proceedings (such as familiarizing themselves with case materials, participating in enforcement actions, and providing oral and written explanations), but it also relates to the nature of the enforcement actions themselves. The Supreme Court noted that when it comes to forced enforcement, the means and methods for achieving the required outcome (proper enforcement of the decision) can be quite strict towards the debtor, as the enforcement officer is obligated to take all necessary measures to ensure the decision is executed, with the creditor's interests taking precedence in this process [9].

The definitions of "place of residence" and "place of stay" are provided in the Law of Ukraine "On Freedom of Movement and Free Choice of Place of Residence in Ukraine", according to which the place of stay is an administrative-territorial unit where a person resides for less than six months a year, and the place of residence is a dwelling located in an administrative-territorial unit where the person resides, including specialized social institutions, social services, and protection facilities, or military units [11].



According to Article 6 of the Law of Ukraine "On Freedom of Movement and Free Choice of Place of Residence in Ukraine", the place of residence must be registered. Therefore, the law associates a person's place of residence primarily with their registered place of residence. Thus, the registration of a person's place of residence unequivocally indicates that the person has chosen a specific address as their place of residence. While the law does not prohibit a person from having multiple places of residence, the registered address, as per Part 10 of Article 6 of the Law, is considered the official address, and thus the person legitimately expects official correspondence and other legal actions related to their place of residence to be conducted at this address [11].

Therefore, the Supreme Court's legal position is that merely indicating a place of residence that has no connection to the debtor is not sufficient grounds for accepting an enforcement document by a private enforcement officer whose jurisdiction covers the location defined by this address. The determination of the place of enforcement of the enforcement document for the debtor (as a natural person) should be based on the debtor's registered place of residence. Any other address or information about the debtor's place of stay may serve as additional information to facilitate the enforcement of the decision, but it cannot be used as a legal fact linked to the place of enforcement of the decision under the Law of Ukraine "On Enforcement Proceedings", or the enforcement district of the private enforcement officer [9, 10, 12].

Regarding the debtor's place of residence that is not registered in accordance with the law, the Supreme Court believes that such a place of residence, due to its unofficial nature, must either be reported by the debtor (in accordance with the principle of free choice of residence established by the Law of Ukraine "On Freedom of Movement and Free Choice of Place of Residence in Ukraine") or properly confirmed, taking into account the principle of official verification of circumstances. Simply indicating any address without verifying the relevant circumstances does not make it the actual place of residence in the context of the Law of Ukraine "On Freedom of Movement and Free Choice of Place of Residence in Ukraine" [10].

Moreover, the Supreme Court noted that the absence of a direct obligation for a private enforcement officer to verify the debtor's residence address does not negate the need to adhere to the principles of the rule of law, legality, independence, fairness, impartiality, objectivity, dispositiveness, transparency and openness of enforcement proceedings, and the reasonable duration of enforcement proceedings, as well as the proportionality of enforcement measures and the scope of demands, as specified in Part 1 of Article 4 of the Law of Ukraine "On Bodies and Persons Carrying out Enforcement of Court Decisions and Decisions of Other Bodies" [4].

Failure to ascertain the debtor's address could result in a violation of the debtor's rights, manifesting as artificial obstacles to the debtor's ability to perform actions stipulated in Article 19 of the Law of Ukraine "On Enforcement Proceedings" (e.g., familiarizing themselves with case materials, making extracts,



taking copies, filing objections, providing additional materials, filing motions, participating in enforcement actions, etc.). The Supreme Court emphasized that the lack of a direct provision in the Law of Ukraine "On Enforcement Proceedings" obliging the enforcement officer to verify the debtor's place of residence should not be used as a tool to potentially violate the debtor's rights by the enforcement officer, who is a public authority figure [10].

The scientific literature notes that this legal position of the Supreme Court is due to the fact that the cases reviewed by the Civil Court of Cassation were related to enforcement documents issued directly by the court. Therefore, the requirement to indicate the place of residence or stay was reflected in a series of procedural documents—both those provided by the parties and those issued by the court. This means the court monitored the accuracy of the information regarding the place of residence (or stay) of the case participants (including the defendant) even before issuing the enforcement document, thereby verifying this information in accordance with procedural law and indicating these details (the debtor's address) in the enforcement document that was directly issued [13, pp. 45–46].

At the same time, scholars suggest the need for clear legislative provisions establishing specific norms that differentiate the actions of the enforcement officer when initiating enforcement proceedings, depending on the type of enforcement document received. In particular, when enforcing a notary's enforcement writ, scholars propose establishing the obligation of the enforcement officer to verify the debtor's place of residence. However, when receiving an enforcement document issued and processed by the court, the need for such verification should be stipulated as a right (rather than an obligation) of the enforcement officer [13, p. 46].

However, in this matter, the position of Judge D. Gudima of the Grand Chamber of the Supreme Court seems more reasonable. He emphasizes that the Law of Ukraine "On Enforcement Proceedings" does not allow for arbitrary interpretation of the norms regarding the place of enforcement of a court decision and the jurisdiction of enforcement proceedings depending on the type of enforcement document, the number of debtor addresses provided by the creditor, and so on. The practice of applying the Law of Ukraine "On Enforcement Proceedings" concerning the enforcement officer's verification of the debtor's address when initiating proceedings is indeed inconsistent. The differences in the type of enforcement document subject to forced enforcement in a specific case, and the varying number of debtor addresses in different cases, do not affect the resolution of the same procedural issue regarding the state enforcement officer's obligation to verify the debtor's address when initiating enforcement proceedings [14].

The Grand Chamber of the Supreme Court also concluded that, according to Article 14 of the Law of Ukraine "On Enforcement Proceedings", the participants in enforcement proceedings include the enforcement officer, the parties (creditor and debtor), representatives of the parties, the prosecutor, experts, specialists, interpreters, valuation entities—business entities, and persons whose intellectual





property rights have been violated, in the case of enforcement documents related to the confiscation and destruction of property under Articles 176, 177, and 229 of the Criminal Code of Ukraine, and Article 51-2 of the Code of Ukraine on Administrative Offenses. In accordance with the norms of the mentioned Law of Ukraine "On Enforcement Proceedings", the rights and obligations of the enforcement officer when initiating enforcement proceedings are not regulated based on the type of enforcement document and do not depend on the entity that issued the enforcement document for forced enforcement. Similarly, the conduct (rights and obligations) of the parties and other participants in the enforcement proceedings is established in general terms in Ukrainian legislation, meaning that the Law of Ukraine "On Enforcement Proceedings" does not contain specific norms that would regulate the relationships between participants taking into account the differences in the specific circumstances of a case [15].

The Supreme Court also referred to Paragraph 10 of Part 4 of Article 4 of the Law of Ukraine "On Enforcement Proceedings", which stipulates that the enforcement document is returned to the creditor by the state enforcement service or private enforcement officer without being accepted for enforcement within three working days from the day it is submitted if it was submitted to the wrong place or jurisdiction. Based on a systematic analysis of this norm together with other provisions of the Law of Ukraine "On Enforcement Proceedings", the Supreme Court concluded that the three-day period for resolving the issue of returning the enforcement document to the creditor without accepting it for enforcement is intended to allow the state enforcement service or private enforcement officer to verify, among other things, whether the debtor's registered place of residence corresponds to the address indicated in the enforcement document and whether this registered place of residence falls within the private enforcement officer's jurisdiction [10].

Another criterion associated with determining the place of enforcement of an enforcement document under the Law of Ukraine "On Enforcement Proceedings" is the debtor's place of work (for a natural person). However, the law does not provide a specific definition of "place of work".

According to Article 93 of the Civil Code of Ukraine, the location of a legal entity is the actual place of business or the location of the office from which the daily management of the legal entity's activities is conducted (usually where the management is located) and where the management and accounting functions are performed [16].

Paragraph 30 of Item 3, Section III of the Instruction on the Organization of Forced Enforcement of Decisions, approved by the Order of the Ministry of Justice of Ukraine No. 512/5 dated April 2, 2012, provides that when an enforcement document is submitted to the state enforcement service or private enforcement officer at the location of the debtor's property, the application for forced enforcement must include a document/copy of a document confirming that the debtor's property





(funds in bank accounts or other financial institutions, non-bank payment service providers, or electronic wallets in electronic money issuers) is located within the jurisdiction of the state enforcement service or within the private enforcement officer's district [7].

The Supreme Court noted that the requirement for the creditor to provide evidence of the location of the debtor's property with the application is due to the need to substantiate and prove to the enforcement officer that the debtor's property is located within the jurisdiction of the state enforcement service or within the private enforcement officer's district. This norm requires the creditor to provide evidence of the location of the debtor's property in this area, but not evidence of the actual existence of the debtor's property at that location [5].

This provision of the Instruction (when the creditor refers to the debtor's funds as property) should not be interpreted as requiring the creditor to provide evidence of the actual availability of funds in the debtor's bank accounts with the application for forced enforcement, as such an interpretation would contradict Article 60 and Paragraph 1 of Part 1 of Article 61 of the Law of Ukraine "On Banks and Banking Activity", which stipulate that information about clients' bank accounts and financial status is bank secrecy, and the bank is obligated to maintain its confidentiality by restricting access to this information [17].

The Supreme Court's analysis of these norms of the Law of Ukraine "On Banks and Banking Activity" indicates that a creditor who does not belong to the category of persons authorized to access information constituting bank secrecy and is not a person to whom, under Part 1 of Article 62 of the Law of Ukraine "On Banks and Banking Activity", the bank can disclose information containing bank secrecy, is limited in their ability to provide the state enforcement service or private enforcement officer with information about the debtor's account status in banks. Such an interpretation of this norm of the Instruction also contradicts Part 1 of Article 19 of the Constitution of Ukraine, according to which no one can be compelled to do what is not prescribed by law [5].

Therefore, the creditor, when applying to the enforcement officer for forced enforcement of a decision, must prove the circumstances of the debtor's property being located within the jurisdiction of the state enforcement service or within the private enforcement officer's district, and provide (attach to the application) evidence of the location of the debtor's property in this area, rather than evidence of the actual existence of the debtor's property at that location.

For example, if the creditor refers to the debtor's funds in bank accounts, the creditor, who is restricted from accessing information that constitutes bank secrecy, must provide the available evidence of the existence of such debtor's accounts and the evidence from which they learned about these accounts (business correspondence, transactions, primary or settlement documents, etc.) [5].

Additionally, the Supreme Court emphasizes that according to Article 24 of the Law of Ukraine "On Enforcement Proceedings", the property in question is the funds themselves, not the bank accounts [18].





Thus, the Supreme Court has taken the legal position that the enforcement officer has grounds to initiate enforcement proceedings based on the criterion of the debtor's property location only if there is documentary evidence confirming that the property is located within the jurisdiction of the state enforcement service or within the private enforcement officer's district. This includes information about accounts opened in the debtor's name in banks or other financial institutions located within the jurisdiction of the state enforcement service or within the private enforcement officer's district. Simply stating in the application for forced enforcement that the debtor has certain accounts in banks or financial institutions located within the jurisdiction of the state enforcement service or within the private enforcement officer's district, without attaching evidence to support these claims, is not sufficient grounds for initiating enforcement proceedings based on the criterion of the debtor's property location.

Courts must determine whether the creditor attached the necessary evidence to the application for forced enforcement, as required by this norm, to prove the existence of the debtor's property (e.g., bank accounts) within the jurisdiction of the state enforcement service or within the private enforcement officer's district, and whether this evidence confirms the location of the debtor's property within that area [5].

If a decision obliges the debtor to perform specific actions, the place of enforcement of the enforcement document, according to Part 3 of Article 24 of the Law of Ukraine "On Enforcement Proceedings", will be the location where such actions are to be performed [3].

**Conclusions.** The criteria for determining the place of enforcement of an enforcement document are as follows: (1) the place of residence or stay of the debtor (a natural person); (2) the place of work of the debtor (a natural person); (3) the location of the debtor (a legal entity); (4) the location of the debtor's property; (5) the place where the actions prescribed by the decision are to be carried out.

The determination of the place of enforcement of the enforcement document with regard to the claimant (as a natural person-debtor) should be based on the debtor's registered place of residence. Any other address of residence or information about the debtor's place of stay may serve as additional information to facilitate the enforcement of the decision but should not be used as a legal fact to which the Law of Ukraine "On Enforcement Proceedings" links the place of enforcement of the decision, and accordingly, the enforcement district of the private enforcement officer.

The initiation of enforcement proceedings based on the criterion of the location of the debtor's property can only be carried out if there is documentary evidence confirming the presence of such property within the territory under the jurisdiction of the state enforcement service or within the enforcement district of the private enforcement officer. This includes information about accounts opened in the debtor's name in banks or other financial institutions located within the territory under the jurisdiction of the state enforcement service or within the enforcement district of the private enforcement officer.



### References:

1. Ukhvala Ordzhonikidzevskoho miskoho sudu Dnipropetrovskoi oblasti vid 09 lystopada 2021 roku u spravi № 184/2076/21 [The ruling of the Ordzhonikidze City Court of the Dnipropetrovsk Region dated November 9, 2021, in case No. 184/2076/21]. Retrieved from <https://reyestr.court.gov.ua/Review/100959063> [in Ukrainian].
2. Ukhvala Pavlohradskoho miskraionnoho sudu Dnipropetrovskoi oblasti vid 12 sichnia 2021 roku u spravi № 185/227/20 [The ruling of the Pavlohrad City District Court of the Dnipropetrovsk Region dated January 12, 2021, in case No. 185/227/20] Retrieved from <https://reyestr.court.gov.ua/Review/94153768> [in Ukrainian].
3. Pro vykonavche provadzhennya: Zakon Ukrayiny [The Law of Ukraine “On Enforcement Proceedings”] 02.06.2016. № 1404-VIII. Retrieved from <https://zakon.rada.gov.ua/laws/show/1404-19#Text>. [in Ukrainian].
4. Pro orhany ta osib, yaki zdiysnyuyut' prymusove vykonannya sudovykh rishen' i rishen' inshykh orhaniv: Zakon Ukrayiny [The Law of Ukraine “On Bodies and Persons Carrying out Enforcement of Court Decisions and Decisions of Other Bodies”] 02.06.2016. № 1403-VIII. Retrieved from <https://zakon.rada.gov.ua/laws/show/1403-19#Text>. [in Ukrainian].
5. Postanova Kasatsiinoho hospodarskoho sudu u skladi Verkhovnoho Sudu vid 25 chervnia 2021 roku u spravi № 905/2214/14-908/5734/14 [The Resolution of the Commercial Cassation Court within the Supreme Court dated June 25, 2021, in case No. 905/2214/14-908/5734/14]. Retrieved from <https://reyestr.court.gov.ua/Review/97911828> [in Ukrainian].
6. Ishchenko, D. (2020). Obrannia stiahuvachem mistsia vykonannya sudovykh rishen pryvatnymi vykonavtsiamy [The Choice of the Place of Enforcement of Court Decisions by Private Executors by the Creditor]. *Pidpriemnytstvo, hospodarstvo i pravo – Entrepreneurship, Economy, and Law*, No. 10, 16–21 [in Ukrainian].
7. Pro zatverdzhennia Instruksii z orhanizatsii prymusovoho vykonannya rishen: Nakaz Ministerstva yustytysii Ukrainy [The Order of the Ministry of Justice of Ukraine “On the Approval of the Instruction on the Organization of Forced Enforcement of Decisions”] 02.02.2012 № 512/5. Retrieved from <https://zakon.rada.gov.ua/laws/show/z0489-12#Text> [in Ukrainian].
8. Verby-Sydor, O. B. (Eds.). (2020). *Vykonavche provadzhennia : navch. posib. (u skhemakh i tablytsiakh) (elektronne vydannia) [Enforcement Proceedings: Textbook (in Diagrams and Tables) (Electronic Edition)]*. Lviv : Lvivskiy derzhavnyi universytet vnutrishnikh sprav [in Ukrainian].
9. Postanova Kasatsiinoho administratyvnoho sudu u skladi Verkhovnoho Sudu vid 31 bereznia 2021 roku u spravi № 380/7750/20 [The Resolution of the Administrative Cassation Court of the Supreme Court dated March 31, 2021, in case No. 380/7750/20]. Retrieved from <https://reyestr.court.gov.ua/Review/95946017> [in Ukrainian].
10. Postanova Kasatsiinoho administratyvnoho sudu u skladi Verkhovnoho Sudu vid 15 lypnia 2021 roku u spravi № 380/9335/20 [The Resolution of the Administrative Cassation Court of the Supreme Court dated July 15, 2021, in case No. 380/9335/20]. Retrieved from <https://reyestr.court.gov.ua/Review/98367890> [in Ukrainian].
11. Pro svobodu peresuvannia ta vilnyi vybir mistsia prozhyvannia v Ukraini: Zakon Ukrainy [The Law of Ukraine “On Freedom of Movement and Free Choice of Place of Residence in Ukraine”] 11.12.2003 № 1382-IV. Retrieved from <https://zakon.rada.gov.ua/laws/show/1382-15#Text> [in Ukrainian].
12. Postanova Kasatsiinoho tsyvilnoho sudu u skladi Verkhovnoho Sudu vid 18 serpnia 2023 roku u spravi № 924/90/22 [The Resolution of the Civil Cassation Court of the Supreme Court dated August 18, 2023, in case No. 924/90/22]. Retrieved from <https://reyestr.court.gov.ua/Review/112967145> [in Ukrainian].
13. Bondar, I. V., Maliarchuk, L. S., Bondar, A. A. (2024). Oboviazok perevirky mistsia prozhyvannia (perebuvannia) borzhnyka pry vidkrytti vykonavchoho provadzhennia: problemy teorii ta praktyky [The obligation of verification debtor's place of residence (stay) during opening of enforcement proceedings: problems of theory and practice]. *Pravo i suspilstvo – Law and Society*, No. 1. Volume 1, 84–87 [in Ukrainian].







14. Okrema dumka (rozbizhna) suddi Velykoi Palaty Verkhovnoho Sudu Hudymy D. A. u spravi № 211/4347/15-ts [Separate (dissenting) opinion of Judge D. Gudima of the Grand Chamber of the Supreme Court in case No. 211/4347/15-ts]. Retrieved from <https://reyestr.court.gov.ua/Review/111586184> [in Ukrainian].

15. Ukhvala Velykoi Palaty Verkhovnoho Sudu vid 02 liutoho 2022 roku u spravi № 761/25659/21 [The Order of the Grand Chamber of the Supreme Court dated February 2, 2022, in case No. 761/25659/21]. Retrieved from <https://reyestr.court.gov.ua/Review/103133054> [in Ukrainian].

16. Tsyvilnyi kodeks Ukrainy [Civil Code of Ukraine] 16.01.2003 № 435-IV. Retrieved from <https://zakon.rada.gov.ua/laws/show/435-15#Text> [in Ukrainian].

17. Pro banky i bankivsku diialnist: Zakon Ukrainy [The Law of Ukraine "On Banks and Banking Activity"] 07.12.2000 № 2121-III. Retrieved from <https://zakon.rada.gov.ua/laws/show/2121-14#Text> [in Ukrainian].

18. Postanova Kasatsiinoho administratyvnoho sudu u skladi Verkhovnoho Sudu vid 29 sichnia 2021 roku u spravi № 160/12729/19 [The Resolution of the Administrative Cassation Court of the Supreme Court dated January 29, 2021, in case No. 160/12729/19]. Retrieved from <https://reyestr.court.gov.ua/Review/94511883> [in Ukrainian].

### Література:

1. Ухвала Орджонікідзевського міського суду Дніпропетровської області від 09 листопада 2021 року у справі № 184/2076/21. URL : <https://reyestr.court.gov.ua/Review/100959063> (дата звернення: 05.09.2024).

2. Ухвала Павлоградського міськрайонного суду Дніпропетровської області від 12 січня 2021 року у справі № 185/227/20. URL : <https://reyestr.court.gov.ua/Review/94153768> (дата звернення: 05.09.2024).

3. Про виконавче провадження : Закон України від 02.06.2016 р. № 1404-VIII. URL : <https://zakon.rada.gov.ua/laws/show/1404-19> (дата звернення: 05.09.2024).

4. Про органи та осіб, які здійснюють примусове виконання судових рішень і рішень інших органів : Закон України від 02.06.2016 р. № 1403-VIII. URL : <https://zakon.rada.gov.ua/laws/show/1403-19#Text> (дата звернення: 05.09.2024).

5. Постанова Касаційного господарського суду у складі Верховного Суду від 25 червня 2021 року у справі № 905/2214/14-908/5734/14. URL : <https://reyestr.court.gov.ua/Review/97911828> (дата звернення: 05.09.2024).

6. Іщенко Д. Обрання стягувачем місця виконання судових рішень приватними виконавцями. *Підприємництво, господарство і право*. 2020. № 10. С. 16–21.

7. Про затвердження Інструкції з організації примусового виконання рішень: Наказ Міністерства юстиції України від 02 квітня 2012 року № 512/5. URL : <https://zakon.rada.gov.ua/laws/show/z0489-12#Text> (дата звернення: 05.09.2024).

8. Виконавче провадження : навч. посіб. (у схемах і таблицях) (електронне видання) / Ю. М. Юркевич, О. Б. Верба-Сидор, Н. М. Грабар та ін.; за ред. канд. юрид. наук, доц. О. Б. Верби-Сидор. Львів : Львівський державний університет внутрішніх справ, 2020. 600 с.

9. Постанова Касаційного адміністративного суду у складі Верховного Суду від 31 березня 2021 року у справі № 380/7750/20. URL : <https://reyestr.court.gov.ua/Review/95946017> (дата звернення: 05.09.2024).

10. Постанова Касаційного адміністративного суду у складі Верховного Суду від 15 липня 2021 року у справі № 380/9335/20. URL : <https://reyestr.court.gov.ua/Review/98367890> (дата звернення: 05.09.2024).

11. Про свободу пересування та вільний вибір місця проживання в Україні: Закон України від 11.12.2003 р. № 1382-IV. URL : <https://zakon.rada.gov.ua/laws/show/1382-15#Text> (дата звернення: 05.09.2024).





12. Постанова Касаційного цивільного суду у складі Верховного Суду від 18 серпня 2023 року у справі № 924/90/22. URL : <https://reyestr.court.gov.ua/Review/112967145> (дата звернення: 05.09.2024).

13. Бондар І. В., Малярчук Л. С., Бондар А. А. Обов'язок перевірки місця проживання (перебування) боржника при відкритті виконавчого провадження: проблеми теорії та практики. *Право і суспільство*. 2024. № 1. Том 1. С. 42–48.

14. Окрема думка (розбіжна) судді Великої Палати Верховного Суду Гудими Д. А. у справі № 211/4347/15-ц. URL: <https://reyestr.court.gov.ua/Review/111586184> (дата звернення: 05.09.2024).

15. Ухвала Великої Палати Верховного Суду від 02 лютого 2022 року у справі № 761/25659/21. URL: <https://reyestr.court.gov.ua/Review/103133054> (дата звернення: 05.09.2024).

16. Цивільний кодекс України від 16 січня 2003 р. № 435-IV. URL : <https://zakon.rada.gov.ua/laws/show/435-15#Text> (дата звернення: 05.09.2024).

17. Про банки і банківську діяльність: Закон України від 07.12.2000 р. № 2121-III. URL : <https://zakon.rada.gov.ua/laws/show/2121-14#Text> (дата звернення: 05.09.2024).

18. Постанова Касаційного адміністративного суду у складі Верховного Суду від 29 січня 2021 року у справі № 160/12729/19. URL : <https://reyestr.court.gov.ua/Review/94511883> (дата звернення: 05.09.2024).