

Witness testimony in the civil case: comparative analysis of regulatory control by GIC of Ukraine and France

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Research Methodology. Using comparative and systematic approaches the peculiarities of regulation subjects evidential activity in the courts under the GIC of Ukraine and France was investigated, in particular, features of examination of witnesses' procedure.

Results. Different definitions of witness testimony in various national legal systems are indicated on. For example, legislation in Germany, France and Ukraine clearly allocates means of proof based on eyewitness testimony from evidence in the form of expert opinion, examination of the parties, while the Anglo-American concept of witness is much broader, it includes in addition to witnesses and experts also parties. It is drawn an attention to clearer regulation by GIC of France of definition of facts to be proved on stage of request by party for examination of witnesses.

Novelty. It is pointed that domestic GIC does not contain such a clear indication of the need for the court of the principle of belonging evidence at the stage of deciding on questioning the witness. Attention is paid to the difference of regulatory rules and conditions for the examination of witnesses, much wider powers to the court under the GIC of France. Attention is drawn to the fact that the French Code of Civil Procedure provides written Institute of eyewitness and the institution is not something extraordinary in civil proceedings of France.

Practical significance. It is concluded that the domestic procedural institution examination of witnesses needs to be improved with regard to international experience and modern technology in communications. A proposal of amending Art. 57 and Art. 180 CPC of Ukraine to introduce the examination of witnesses for video-conference is proved.