

## The Procedure for the Enforcement of Court Decisions in Civil Cases

<sup>1</sup> Ismayil Garibli

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### Abstract:

The significance of the examination of cases and the issuance of final judgments by courts is multifaceted and encompasses several key aspects. Courts are among the primary institutions that ensure the supremacy of law. They guarantee the proper application of legislation and the fair resolution of legal disputes. Final judgments provide a legal safeguard for the protection of citizens' rights and freedoms. Through the rendered court decision, the instability existing within a disputed legal relationship is eliminated, and it acquires certainty, stability, and general binding force in terms of substantive law. This creates a legal opportunity for the unhindered realization of rights or interests protected by law, thereby ensuring the protection of violated or disputed subjective rights.

The purpose of this article is to analyze, in an academic manner, the concept, legal nature, main types, and legal effects of court decisions in civil cases, as well as to develop recommendations for improving the quality of such decisions, taking into account current legal practice and scholarly literature. The article employs a parallel approach to the use of legal norms, legal scholarship, and judicial practice.

### Keywords:

*court decision, enforcement proceedings, compulsory enforcement, enforcement of court decisions*

### 1. Introduction:

A court decision in civil cases represents the intersection of legal and procedural reality: it resolves civil legal disputes between individuals or organizations and determines the legal consequences of that resolution. From a theoretical perspective, a court decision fulfills both substantive (regulating the relationship) and procedural (conducting the case and formally documenting the outcome) functions. This approach is widely recognized in the theory of civil procedure, meaning that a court decision is an act that not only establishes legal status but also defines precedent and enforcement mechanisms for future relations.

In the legal system of Azerbaijan, the binding nature and forms of judicial acts are determined by the Civil Procedure Code. The Code classifies judicial acts as judgments, rulings, decisions, and orders, and declares that a court act which has entered into legal force carries binding and enforceable power for all state bodies, citizens, and organizations (Article 15 of the Civil Procedure

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<sup>1</sup> Garibli, I. Senior Lecturer, Department of Private Law, Nakhchivan State University, Azerbaijan. PhD Candidate. Email: [ismayilgaribli@ndu.edu.az](mailto:ismayilgaribli@ndu.edu.az). ORCID: <https://orcid.org/0009-0009-1997-5880>.

Code of the Republic of Azerbaijan). This provision demonstrates that court decisions, on the one hand, create legal consequences, and on the other hand, their enforcement is supported by state mechanisms. This legislative requirement emphasizes, in practice, the importance of ensuring that court decisions comply with both legal norms and formal requirements.

## 2. The Concept and Types of Court Decisions in Civil Cases

In legal literature and academic textbooks, the content, reasoning, and structural elements of court decisions are analyzed in detail. Classical legal doctrine presents a court decision as the final act of the judicial process and requires that its content include the evaluation of relevant facts, the application of legal norms, and the reflection of the final operative part of the judgment (Treushnikov, 2014). These sources, taking into account international practice, emphasize that the reasoning of a judgment is the main indicator of its legal validity: the reasoning must demonstrate the evidentiary basis, show the scheme of applying the legal norm, and substantiate the conclusion with logical consistency (Afanasyeva, 2022).

When determining the legal nature of a court decision, its finality and enforceability should be particularly emphasized. *Finality* refers to the resolution of the case and the determination of the legal relationship between the parties, while *enforceability* ensures the actual implementation of that decision. Observations based on Azerbaijani judicial practice and the materials of the Plenum of the Supreme Court indicate that legal stability depends on the proper reasoning of judgments and the robustness of enforcement mechanisms; the lawful preparation and enforcement of judicial acts are essential for upholding the rule of law (Bulletin of the Supreme Court, 2020).

Consequently, the legal nature of a court decision in civil cases is a complex category that combines normative, factual, and institutional components. The legal force of a decision (its entry into force), its enforceability, and the quality of its reasoning determine the reliability of the judicial act; therefore, both theoretical and practical literature pay special attention to the structure, motivational part, and enforcement mechanisms of court decisions (Treushnikov, 2014; Civil Procedure Code, Article 15).

Court decisions in civil cases are classified according to their legal form, procedural stage, and legal consequences. Under the Civil Procedure Code of the Republic of Azerbaijan, judicial acts are rendered in the form of resolution, rulings, decisions, and orders (CPC, Art. 15). This classification is based both on procedural function and the purpose of judicial activity. A resolution is typically the final decision on the merits of the case; rulings and decisions are supplementary or auxiliary acts issued during the course of proceedings (Afanasyeva, 2022). An order, on the other hand, is a procedural document adopted under a simplified procedure, usually applied in cases where the obligation or debt is clear and uncontested (CPC, Art. 275).

**A resolution** is the court's final decision on the merits of the case and determines the rights and obligations of the parties. The legal force of this act arises once the decision enters into force and is not altered on appeal. The main feature of a resolution is its enforceability. Thus, a resolution

not only regulates legal relations but also provides a basis for enforcement authorities to ensure the fulfillment of specific obligations (Treushnikov, 2014). The structure of a resolution typically includes introductory, descriptive, reasoning, and operative parts; the written formulation of each part ensures its legal validity.

**Rulings** are interim acts adopted by the court during the proceedings. They address procedural matters such as the submission of evidence, appointment of an expert examination, adjournment of the hearing, or acceptance or rejection of a claim. Rulings are generally aimed at organizing the judicial process and differ from judgments in terms of legal force — they do not create a final resolution on the merits of the case but ensure the proper conduct of proceedings (Gadzhiev, 2015).

The term **decision** in the Azerbaijani judicial system is used both as a narrowly defined act (for example, a decision adopted by an appellate instance) and as an organizational-legal document. In essence, a decision is an act by which a court either modifies or upholds the act of a lower instance (Bulletin of the Supreme Court, 2020). Decisions of appellate courts, from a legal standpoint, represent the product of secondary judicial review, and their primary purpose is to ensure the fairness of the judicial process.

An **order**, on the other hand, represents a special simplified mechanism within the civil procedural system. This act is a type of decision that is more expedient and based on documentary evidence compared to a claim proceeding. Typically, an order is issued when there is no factual dispute between the parties and the debt or obligation is clearly confirmed by documents (CPC, Arts. 275–284). The purpose of this institution is to reduce the burden on the court system and to ensure a more efficient protection of rights (Afanasyeva, 2022).

The types of court decisions in civil cases are systematically interrelated. Their distinctions are not only formal but also functional and substantive in terms of legal consequences. These differences influence the purpose and stage of judicial activity as well as the rights of the parties. As emphasized in legal literature, the diversity of judicial acts is essential for the effective regulation of legal disputes, though this diversity simultaneously requires a unified approach in judicial practice (Treushnikov, 2014).

The reasoning of a court decision is the main indicator of its legal value and legitimacy. Reasoning is not limited to a mere statement of facts but also involves providing a legal assessment of those facts. A well-reasoned judgment plays a crucial role in ensuring both legal stability and public trust. The reasoning section of a judgment generally includes the evaluation of evidence, the selection of the applicable legal norm, and its application to the specific case. This part should contain the logical explanation of the evidence accepted by the court, the reasons for rejecting certain evidence, and the evaluation of the parties' arguments (Afanasyeva, 2022). If any of these elements are written in a merely formal way, the legal force of the judgment may be considered invalid. The Plenum of the Supreme Court of Azerbaijan has also emphasized that “the absence of reasoning in a court decision hinders the correct application of the law and the protection of citizens' rights” (Bulletin of the Supreme Court, 2020).

The content of a court decision must comply with both formal and substantive requirements. Formally, a judgment consists of four main parts — the introductory, descriptive, reasoning, and operative sections (CPC, Art. 220). Substantively, the purpose of the decision is the objective resolution of a legal dispute, a conclusion based on evidence, and a correct interpretation of the applicable law. Ivakin (2016) notes that “the quality of a judgment is determined by the clarity and logical coherence of its legal reasoning.”

The importance of reasoning is also affirmed in the practice of the European Court of Human Rights (ECHR). In *Hadjianastassiou v. Greece* (1992), the Court stated that “courts must clearly indicate the reasons on which their decisions are based, as this is an integral part of the right to a fair trial” (ECHR, 1992). This approach has also been adopted in the legal systems of Azerbaijan and Russia as a component of the “fair trial” principle.

Thus, the reasoning of judgments serves not merely as a procedural formal requirement but as a mechanism for ensuring legal justice. The quality of reasoning determines not only the parties’ confidence but also the public’s overall trust in the judicial system. Therefore, both national legislation and international practice pay special attention to this aspect (Afanasyeva, 2022; Treushnikov, 2014; ECHR, 1992).

### **3. The Concept of the Enforcement Stage of Court Decisions**

The efficiency and integrity of the administration of justice are ensured not only by the issuance of a lawful and well-reasoned court decision but also by the implementation of that decision — that is, its enforcement. The enforcement stage of court decisions constitutes an integral part of the right to legal protection (Constitution of the Republic of Azerbaijan, Article 60), ensuring the actual realization of adopted judgments and, consequently, the restoration of violated rights (Office of the Prosecutor General, 2024). The enforcement stage involves the compulsory execution of a court act that has entered into legal force by the competent enforcement authorities.

The enforcement stage of court decisions is a set of procedural activities aimed at ensuring the compulsory fulfillment of obligations established by legally binding court acts — that is, the debtor’s obligation to perform certain actions or to refrain from certain conduct. The main purpose of this stage is to transform the court decision into a tangible, real-world outcome (Aliyev, 2021).

The principal legal foundations for the enforcement of court decisions derive from the Constitution of the Republic of Azerbaijan (Article 129), the Civil Procedure Code (CPC), and, most importantly, the Law of the Republic of Azerbaijan “On Enforcement” (Law on Enforcement) (Law on Enforcement, Article 1.1; E-qanun, 2002). According to the legal position of the Plenum of the Constitutional Court, the enforcement of court decisions is an essential component of the right to judicial protection. A judgment that is not enforced timely and properly diminishes the effectiveness of this right (Office of the Prosecutor General, 2024).

The most important characteristic of the enforcement stage is its compulsory nature. Since a court decision is rendered on behalf of the state (CPC, Art. 216.2), its enforcement is carried out by state

enforcement officers (bailiffs) (Law on Enforcement, Article 2.1; [E-qanun, 2002, p. 2]). Compliance with the lawful requirements of a bailiff is mandatory for all bodies, officials, and individuals (Law on Enforcement, Article 3.1). Persons who fail to comply with enforcement requirements bear legal responsibility as established by law (Office of the Prosecutor General, 2024).

The enforcement stage operates within a specific procedural framework defined by procedural deadlines, enforcement actions, and the issuance of enforcement documents (writs of execution). Upon receiving the relevant enforcement document, the bailiff performs the necessary enforcement actions to fulfill the requirements set forth in the judgment (Aliyev, 2021).

The enforcement stage includes the following main functions:

- **Recovery of property:** Seizure of the debtor's property to satisfy the creditor's monetary claims.
- **Delivery of specific property:** Transfer of property specified in the enforcement document from the debtor to the creditor.
- **Execution or prohibition of certain actions:** For example, the transfer or custody of children, or compelling or prohibiting certain conduct.

The enforcement stage of court decisions represents the final and critical component of the justice process. Its essence lies in transforming the legal content of a court act from a written document into an actual, implemented result. The effective and timely enforcement of legally binding judgments is a fundamental guarantee of the rule of law and of citizens' confidence in the judicial system.

The enforcement stage of judicial decisions plays a fundamental role in ensuring the final outcomes of civil and other legal proceedings. This stage concerns the activities of state authorities and relevant institutions related to the practical implementation of a court decision that has entered into legal force. Ivakin (2016) notes that the legal force of a court decision acquires its full legal effect only when it is realized through enforcement mechanisms. At this stage, the main objective is to guarantee the protection of the parties' rights, the fulfillment of legal obligations, and the effective execution of the court's decision.

The enforcement of court decisions is guaranteed by the state, and the activities of enforcement authorities are directed toward the realization of this right. From both legal and practical perspectives, the enforcement stage acts as a guarantor of the rule of law. Treushnikov (2014) emphasizes that the efficiency of the enforcement mechanism for judicial decisions is one of the main factors ensuring the stability of legal relations.

The enforcement stage of judicial decisions is a necessary procedural step for the full realization of legal relations. Ivakin (2016) points out that the enforcement stage does not end with the issuance of the judgment; rather, the primary goal of the enforcement process is to ensure the actual

implementation of a legally binding decision. This stage possesses the following legal characteristics:

**1. Legal force** – a court decision can only be enforced once it has entered into legal force (Civil Procedure Code, 1999, Art. 234.1).

**2. Role of enforcement bodies** – measures are taken by court bailiffs to ensure the execution of the decision; these measures may include the preparation of enforcement documents, confiscation of property, or the recovery of debt (Supreme Court Bulletin, 2020).

**3. Rights and obligations of the parties** – during enforcement, both the claimant and the debtor bear legal and practical obligations; they also have the right to legal protection and to file complaints within the enforcement process (Afanasyeva, 2022).

The legal essence of the enforcement stage also lies in ensuring the effectiveness of the execution of judgments and maintaining public trust in the judicial system. Treushnikov (2014) states that the weakness of the enforcement mechanism undermines legal stability and hinders the protection of the parties' rights.

In Azerbaijani legal practice, the enforcement stage plays a crucial role in both civil cases and state-related enforcement matters. The Plenum of the Supreme Court emphasizes that “the proper conduct of the enforcement stage is a key condition for ensuring the legal force of court decisions and the protection of the parties' rights” (Supreme Court Bulletin, 2020).

#### **4. Compulsory Enforcement Authorities**

In a legal state, the administration of justice requires that court decisions be implemented in a real and effective manner. The enforcement of legally binding judicial decisions, as the final and most critical stage of the justice process, serves this purpose. Compulsory enforcement authorities are the primary actors through which the state performs this function. The efficient operation of these authorities strengthens both the functioning of the legal system and citizens' confidence in the judiciary (Ministry of Justice, 2025).

Compulsory enforcement authorities constitute a key institution in the enforcement stage of civil and other legal proceedings. They ensure the practical implementation of decisions issued by courts or other state bodies. The legal framework governing their activities is set out in the Civil Procedure Code of the Republic of Azerbaijan and the Law on Enforcement.

Treushnikov (2014) notes that the role of compulsory enforcement authorities extends beyond mere execution of decisions; they also safeguard the rights of the parties, ensure the legality of enforcement procedures, and maintain legal stability. Ivakin (2016) emphasizes that enforcement authorities play a crucial role in preserving balance in legal relations and protecting the interests of all parties involved.

Compulsory enforcement authorities are defined as state bodies vested with the power to carry out the compulsory execution of legally binding decisions issued by courts or other official bodies. In Azerbaijan, the enforcement of court and other state decisions is carried out by bailiffs (Law on Enforcement, Art. 2.1). Bailiffs operate within the system of the Ministry of Justice's Main Enforcement Department, and their powers are defined by relevant legislation. Their activities are regulated by the Law on Enforcement, the Law on Bailiffs, and other normative legal acts (Ministry of Justice, 2025; Joint Working Group on the Determination of International Human Rights Standards, 2013).

Recent reforms in the enforcement system have established the institution of special bailiffs. According to the law, a special bailiff possesses the status of a compulsory enforcement authority and operates on a professional basis, but is not considered a representative of state power (President.az, 2024). The activities of special bailiffs are not classified as entrepreneurial activity.

The legal requirements of compulsory enforcement authorities are binding on all bodies, legal entities, their officials, and individuals within the territory of Azerbaijan (Law on Enforcement, Art. 3.1). Persons who fail to comply with enforcement orders or obstruct enforcement bear liability as prescribed by law.

Although compulsory enforcement authorities do not have legal personality, they act as official bodies exercising the state's enforcement function. According to the Civil Procedure Code, the primary task of enforcement authorities is to ensure the execution of court and other enforcement documents (CPC, 1999, Art. 443). This task encompasses the following legal powers:

**1. Receipt and registration of enforcement documents** – authorities record copies of the decision and the documents required for enforcement (Supreme Court Bulletin, 2020).

**2. Implementation of enforcement measures** – measures such as seizure of property, deduction from wages, or collection of compulsory payments are carried out to ensure obligations are fulfilled (Afanasyeva, 2022).

**3. Protection of parties' rights** – enforcement authorities inform the parties of procedural rules, ensure the opportunity to object to enforcement measures, and report any illegal actions to the court (Ivakin, 2016).

**4. Legal supervision and accountability** – authorities report to the courts and state bodies on enforcement, notify procedural violations, and ensure the effectiveness of the decision (Treushnikov, 2014).

The role of compulsory enforcement authorities is not limited to executing enforcement mechanisms; they also serve to guarantee legal justice and maintain the balance of parties' rights. Their activities are vital for the credibility of a legal society and for upholding the rule of law (Supreme Court Bulletin, 2020).

## **5. Participants in Enforcement Proceedings: Parties, Their Procedural Rights and Duties**

Participants in enforcement proceedings are understood as the subjects of enforcement procedural relations, i.e., those who are directly involved in enforcement actions or can influence their outcomes. Direct participants in enforcement proceedings include the enforcement authorities (bailiffs) and the parties to the proceedings. In addition, other persons may be involved in the enforcement process according to procedural rules.

Participants in enforcement proceedings can be divided into the following categories:

**1. Claimant** – the party requesting the enforcement of a court decision. The main procedural rights of the claimant include requesting the execution of the decision through the enforcement authorities, supervising enforcement procedures, and applying to the court in case of violations (Afanasyeva, 2022). The claimant also has the obligation to obtain information regarding enforcement actions and to cooperate with the enforcement authorities.

**2. Debtor** – the party obligated under the enforcement document. The procedural rights of the debtor include the right to object to enforcement measures, to receive information about the enforcement plan and actions, and to demand legal protection (Ivakin, 2016). The debtor's duties include fulfilling the obligations specified in the decision, cooperating with the enforcement authorities, and refraining from unlawful actions.

**3. Staff of Compulsory Enforcement Authorities** – representatives of state or executive bodies responsible for ensuring the implementation of enforcement proceedings. Their functions include registering enforcement documents, carrying out enforcement measures, protecting the rights of the parties, and reporting to the court (Treushnikov, 2014). Staff members must also ensure the participation of the parties in the enforcement process and prevent unlawful actions.

The interactions between enforcement authorities and the parties are based on legal regulation and the principles of procedural justice. According to the practice of the Supreme Court, failure to ensure the rights of the parties leads to procedural violations in enforcement proceedings and negatively affects the legal force of the court decision (Supreme Court Bulletin, 2020).

The procedural rights of the claimant and the debtor allow them to influence the course of the enforcement process and protect their legitimate interests. Both parties have the right to access the materials of the enforcement case, obtain extracts and copies, participate in enforcement actions, and provide oral or written explanations regarding these actions. They also have the right to submit objections or motions to the bailiff and to appeal against the bailiff's decision, action, or inaction to a higher enforcement authority or the court.

Additionally, the claimant has the right to withdraw the enforcement document, submit proposals for conducting enforcement actions, and participate in the valuation and sale of property obtained through compulsory enforcement. The debtor, in turn, has the right, under the law, to request the suspension of enforcement, partial enforcement (granting a deferral), and prior notification regarding relevant enforcement actions.

The procedural duties of the parties include complying with the lawful demands of the bailiff, refraining from actions that obstruct enforcement, and providing complete and accurate information relevant to the enforcement proceedings (e.g., location of the debtor's property, income). The debtor's primary duty is to fulfill the obligations specified in the enforcement document, preferably during the voluntary enforcement period. Failure to fulfill these duties may result in administrative or criminal liability under the law.

International law, particularly the case law of the European Court of Human Rights (ECtHR), emphasizes the rights of parties in enforcement proceedings. In *Papamichalopoulos v. Greece*, the ECtHR held that the enforcement of court decisions is an integral part of guaranteeing the rights of the parties and the principle of a fair trial (ECHR, 1993). This ruling demonstrates that the protection of parties' rights in enforcement proceedings is regulated by international standards.

The legal practice in Russia and Azerbaijan similarly protects the rights of parties in enforcement proceedings. In both countries, the parties are granted the right to object to enforcement measures, access the enforcement plan, demand legal protection, and apply to the court in cases of violations (Ivakin, 2016; Afanasyeva, 2022). This approach ensures transparency of the enforcement process, strengthens legal stability, and protects the rights of the parties.

International comparison shows that clearly defining the rights and duties of parties in enforcement proceedings is essential for procedural justice and effective execution of court decisions. The protection of parties' rights is directly linked to the performance of enforcement authorities and enhances the efficiency of enforcement procedures (Treushnikov, 2014).

Violation of parties' rights in enforcement proceedings negatively affects both procedural justice and the execution of court decisions. For example, if the claimant's rights are violated, such as by enforcement authorities failing to carry out actions or ensure obligations properly, the actual execution of the decision may be delayed (Supreme Court Bulletin, 2020). Similarly, violations of the debtor's rights, such as restrictions on legal defense or unlawful enforcement actions, allow the debtor to appeal to the court or object to enforcement measures (Ivakin, 2016). Afanasyeva (2022) emphasizes that failure to protect the parties' rights not only reduces the efficiency of the enforcement process but also undermines confidence in the judicial system.

Improper performance of duties by enforcement authority staff, such as violations in registering enforcement documents or executing enforcement measures, leads to legal liability. Treushnikov (2014) notes that proper execution of the powers of enforcement authorities is critical for maintaining legal stability and protecting the rights of the parties.

International legal practice, as reflected in ECtHR case law, clearly indicates the legal consequences of violations of rights in enforcement proceedings. In *Papamichalopoulos v. Greece*, the Court evaluated the consequences of improper exercise of enforcement authority powers and emphasized the importance of safeguarding parties' rights (ECHR, 1993).

The rights and duties of participants in enforcement proceedings are fundamental to the lawful, transparent, and efficient conduct of enforcement. A balanced distribution of rights and duties between the claimant, the debtor, and the staff of enforcement authorities ensures procedural justice and the effective execution of court decisions (Ivakin, 2016; Afanasyeva, 2022).

The activities of compulsory enforcement authorities go beyond executing decisions; they also safeguard the rights of the parties, ensure the legality of enforcement procedures, and maintain legal stability. International practice demonstrates that securing procedural rights and ensuring transparency in enforcement proceedings are essential components of the principles of a fair trial (Treushnikov, 2014; ECHR, 1993).

The proper determination of the rights and duties of parties in enforcement proceedings, the efficient performance of enforcement authorities' functions, and adherence to legislatively regulated procedures ensure the effective execution of court decisions and strengthen the credibility of the legal system.

## **6. General Rules of Enforcement, Compulsory Enforcement Measures, and Enforcement Costs**

The execution of decisions by courts and other competent authorities is one of the cornerstones of the rule of law and ensures the subsequent enforcement of justice. This process is regulated by the Law of the Republic of Azerbaijan "On Enforcement" and is based on fundamental principles such as legality, objectivity, and fairness (Joint Working Group on the Establishment of International Standards on Human Rights, 2013).

The enforcement process represents a critical procedural stage following the acquisition of legal force by a court decision. Enforcement is guaranteed by the state, and the actual implementation of decisions is ensured through compulsory enforcement measures. Conducting enforcement procedures in a lawful and transparent manner ensures both the protection of the parties' rights and the stability of legal relations.

Treushnikov (2014) notes that the general rules of enforcement and compulsory measures are based not only on legal normative acts but also on judicial practice. Ivakin (2016) emphasizes that the enforcement stage serves as a guarantor of the rule of law and safeguards the rights of the parties.

The general rules of enforcement in Azerbaijani law are based on several key principles:

1. Principle of Legal Force – only court decisions that have acquired legal force may be executed. This principle forms the foundation of the enforcement process and protects the legal defense rights of the debtor (CPC, 1999, Art. 443).
2. Transparency and Participation of Parties – parties may participate in the enforcement procedure, monitor enforcement actions, and review the enforcement plan (Afanasyeva, 2022).

3. Principle of Legal Protection – parties may object to enforcement actions, request changes to the enforcement plan, and appeal to the court (Ivakin, 2016).

4. Principle of Authority and Responsibility – enforcement authorities carry out enforcement actions on a lawful basis and bear responsibility for any procedural violations (Treushnikov, 2014).

The general rules of enforcement regulate the activities of enforcement authorities normatively and ensure the protection of the parties' rights. Supreme Court practice demonstrates that proper enforcement both guarantees legal stability and protects the interests of the parties (Supreme Court Bulletin, 2020).

Compulsory enforcement measures are legal instruments that ensure the actual execution of a decision during the enforcement process. They are mainly implemented in the following forms:

-Seizure and sale of property – collection of debt from the debtor's property. This measure is carried out by enforcement authorities according to lawful procedures and protects the rights of the parties (Ivakin, 2016).

-Securing compulsory payment – garnishment of funds, wages, or other income. Treushnikov (2014) emphasizes that securing payment must be carried out with respect for the debtor's rights.

-Other legal compulsory measures – e.g., pledging assets or freezing real estate. These measures enhance the effectiveness of the enforcement process and ensure the execution of the decision (Afanasyeva, 2022).

Compulsory enforcement measures must only be carried out on a lawful basis and with respect for the parties' rights. Proper selection of measures increases the efficiency of enforcement and prevents violations of the parties' rights.

Enforcement costs cover the financial resources required to carry out the enforcement process and primarily include:

1. Costs of preparing and registering enforcement documents;
2. Costs of implementing enforcement actions – e.g., wage garnishment, sale of real estate, and other necessary actions;
3. Costs for the labor and services of enforcement authorities (Treushnikov, 2014).

Enforcement costs are generally borne by the debtor, although in special cases they may be covered by the claimant or the state. Legal regulation of these costs ensures transparency of the enforcement process and balances the rights of the parties.

## **7. Conclusion**

### **A. Key Findings of the Research**

The study confirms the legal nature of court decisions in civil cases (judgments, rulings, decisions, and orders) and highlights the decisive role of their enforcement stage within the system of judicial justice. The main conclusion is that the legitimacy of a court decision is determined not only by its substantive soundness but also by the quality of its reasoning and the efficiency of the enforcement mechanism. Enforcement represents the final, yet most critical, stage of procedural law, serving as the primary guarantor of the actual restoration of rights. The effectiveness of enforcement authorities, including the newly established institution of special enforcement officers, is a direct prerequisite for the practical execution of court decisions.

## **B. Gaps Identified in Legislation (Problems)**

Theoretical and practical analyses reveal several key gaps and problems in the Law “On Enforcement” and the Civil Procedure Code (CPC) that negatively affect the efficiency of enforcement:

**1. Lack of standardization in the reasoning of judgments:** Although both national legislation (CPC, Art. 229) and international practice (ECHR, *Hadjianastassiou v. Greece*) emphasize the importance of well-reasoned decisions, in practice, the operative part of judgments—serving as enforcement documents—is often overly general and vague. This creates procedural uncertainty for enforcement officers when selecting or executing enforcement actions.

**2. Gap in proportionality within the compulsory enforcement mechanism:** While the Enforcement Law provides for the application of compulsory measures, there are no clear procedural rules regarding their order or gradation (e.g., starting with the least intrusive measure). This allows for subjective discretion by enforcement officers and increases the risk of excessive restriction of the debtor’s rights.

**3. Ineffectiveness of liability for non-compliance by the debtor:** Mechanisms of liability (administrative or criminal) applied when a debtor fails to comply with enforcement requirements are sometimes weak and prolong the process. Fines or sanctions for refusing to comply with non-monetary obligations (e.g., handing over a child, vacating premises) are often insufficiently preventive to ensure effective enforcement.

## **C. Legislative Proposals**

To address these gaps and align enforcement procedures with international standards, the following legislative proposals are suggested:

### **1. Amendment to the CPC regarding the content of enforcement judgments:**

*Proposal:* Add a provision to Article 229 of the Civil Procedure Code specifying minimum requirements for the operative part of judgments that clarify the enforcement mechanism (e.g., payment deadlines, type of property, specific location or method of action). This ensures that the enforcement document provides concrete instructions for immediate initiation of compulsory measures by enforcement officers.

## **2. Introduction of a principle of gradation in compulsory measures:**

*Proposal:* Introduce a new article (e.g., Art. 38-1) into the Law “On Enforcement” establishing the principle of the “Proportional Sequence of Compulsory Enforcement Measures.” According to this principle, less intrusive measures (e.g., garnishment of funds or other receivables) must be applied first in monetary claims, with other movable or immovable property targeted only if these measures prove ineffective.

## **3. Proactive penalty mechanism for non-monetary claims:**

*Proposal:* Introduce a system under the Law “On Enforcement” whereby, for each day the debtor refuses to voluntarily comply with non-monetary obligations (e.g., handing over a child, transferring property), an escalating procedural fine is imposed. This ensures direct financial consequences for deliberate non-compliance, thereby facilitating more prompt restoration of the claimant’s rights, in line with requirements of Protocol No. 1 of the European Convention on Human Rights.

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