**B. Fasіі**

**SUBSIDIARY APPLICATION OF THE NORMS OF CIVIL LEGISLATION TO CRIMINAL-PROCESSOAL RELATIONS**

The similarity of the subject and the method of legal regulation allows us to speak about the relative unity of branches of law. Therefore, it is no coincidence that the same normative legal act can find norms of various branches of law. In this case, the legislator does practically, guided by the principle of economy, rational use of normative material, he finds well-founded solutions, instead of introducing in the new legal act the rules that already exist, only refers to the sources in which they are located. In such cases, it is a question of the subsidiary application of the law.

A characteristic feature of civil legislation is that it regulates personal property and property relations, and assumes the equality of the parties to these relations and allows them to determine their rights and responsibilities within the limits established by law, which can not be said about the criminal procedure.

It is worth mentioning that the criminal law procedural law has chosen an intermediate position in regulating questions of ways to overcome gaps. It is just an analogy that is unacceptable in the criminal law of Ukraine. The Criminal Procedure Code of Ukraine does not contain any provisions that directly prohibit or allow the use of analogies and subsidies for the application of civil law. However, even taking into account that the Criminal Procedure Code of Ukraine does not allow for ways to overcome gaps (analogy to the legislation and the analogy of law), subsidizing the application of the rules of legislation as a legal remedy for normative material is permissible.

Criminal procedural law creates forms for dealing with a criminal case that addresses the issue of reimbursement of material damage caused by a civil claim that is a criminal offense, precisely for the implementation of civil law. Joint consideration of a criminal case and civil action has a number of advantages, since determining the type and extent of the damage caused by the crime required to resolve the crime of legal issues concerning: the qualification of the accused, the type and size of the punishment, the presence or absence of a crime. In these cases, the establishment and reparation of harm becomes an integral part of the criminal process.

Moreover, voluntary compensation for damages or elimination of harm caused prior to the decision on the merits of the case, in accordance with article 66, paragraph 1, of the Criminal Code of Ukraine, is a circumstance that mitigates the punishment, and in cases provided for in Article 46 of the Criminal Code of Ukraine, may become The basis for the suspension of the criminal case for reconciled treatment of the victim to the victim in accordance with the procedure provided for in Chapter 35 of the Criminal Procedure Code of Ukraine, under the conditions and conditions that are: the commission of the crime is not For the first time a serious crime or a careless crime of moderate gravity, reparation for injury and reconciliation of the defendant (defendant) with the victim.

One can argue on the necessity and expediency of the subsidiary application of the norms of civil law on the reimbursement of damages for civil lawsuits in criminal-procedural relations.

Criminal procedural law creates forms for the resolution of a criminal case on the reimbursement of material and moral damage caused by a crime, through a civil suit, just for the implementation of the norms of civil legislation.