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CHARACTERISTICS OF LEGAL REMEDIES ESPECIALLY IN CIVIL PROCEDURE AND THROUGH THE POSITION OF THE INTERVENER

Summary

In domestic civil procedural law, the legal nature of legal remedies, the reasons for legal security, as well as need for providing judicial protection within a reasonable time have led to rationalization of the legal remedy system through multiple restrictions. The paper highlights these restrictions regarding their number, contestable decisions, deadlines within which they can be declared, the circle of persons authorized to file them, the scope of rebuttal, reasons for filing, etc. The characteristics of legal remedies, as well as the assumptions for their declaration are analyzed in this paper, considering that these characteristics and assumption represent the basis for formulating different criteria according to which numerous classifications of legal remedies have been made, which also have practical and doctrinal importance. While the general characteristics of legal remedies derive from their legal nature, the Civil Procedure Act regulates the specific characteristics of each envisaged legal remedy. The analysis of the characteristics of remedies is deepened by monitoring the procedural position of the intervener in the stages of the procedure initiated with filing of regular and extraordinary remedies. In this context, certain controversial issues have been identified to which theory and practice have not answered, or on which they have not taken a unified position.

Keywords: *remedies, legal nature, characteristics, classification, procedural assumptions, legal position of the intervener.*

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