

**V. Formaniuk**

Assistant Lecturer,  
Department of Theory of State and Law,  
National University "Odessa Law Academy"

## COURT PRACTICE AS A SPECIFIC SOURCE OF LAW

The problem of recognition of judgments and court practice as sources of law has always interested and still interests scholars and lawyers.

Despite the increased attention to of the problem, many questions relating to court practice, including those that are not secondary for deep and comprehensive understanding of the legal phenomenon, remain unnoticed by researchers.

Summing up, it should be noted that the court practice is not only a source of law in the countries of Common law legal family, but also in countries of other legal systems. Naturally, the court practice in such legal systems as Roman law occupies a different position in the hierarchy of sources

of law. This is a group of peculiarities of the legal system. This specificity is conditioned by legal traditions, legal ideology, the traditional understanding of the sources of law, understanding of the process of law-making, the attitude to the court system and several other features of the legal system of a particular country.

Analyzing the situation in our country, we see a need for judicial decisions as sources of law to eliminate gaps in the current legislation, creation of a mobile system of law that keeps up with the times. Law adoption processes "drag on" for many years, opening the way to arbitrariness in those areas of society that are not regulated by law.