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## MECHANISM OF USING THE ANALOGY OF RIGHTS

The process of using the analogy of rights is extremely complex and involves a number of logical operations, analysis of the law and facts of the case, which requires appeal to law recourse.

The first stage of mechanism of using analogy of right is to analyze the facts of the case and current legislation. Subject of law enforcement is necessary to clarify the nature of relationships and make sure that they really are not regulated by law. At this stage it is need to be addressed further research tasks.

The second stage performs analysis of legislation for the content of such civil law. That is an attempt to use the analogy of the law under which law enforcer proceeds to step search similar rules regulating similar relations. This step is crucial, because the analogy of the law shall be preferred application because, according to the provisions of Article 8 CC of Ukraine analogy of law applicable

in the case of inability to use the analogy of the law the Supreme Economic Court confirms the present reasoning in his explanation from 07.04.2008. Thus, the enforcement authority must be satisfied that the analogy of the law in this case is impossible because of the lack of rules governing similar relationship.

The result of this stage is to use the analogy of the law on unregulated relationship or identify the inability to use the analogy of the law because of the lack of rules governing similar relationship. In the event that states the fact law enforcer inability analogy of the law, comes the third stage is the application of general principles of civil law. At this stage the court under the basic principles of civil law resolves issues that were resolved for enforcement. The final result of this stage is the publication and adjudication enforcement act that fixes it.