



CADERNOS DE DEREITO ACTUAL

www.cadernosdedereitoactuales.es

© **Cadernos de Dereito Actual** Nº 33. Núm. Ordinario (2026), pp. 629-668

·ISSN 2340-860X - ·ISSNe 2386-5229

Determining the place of enforcement in proceedings involving the debtor's financial assets: Judicial interpretation and comparative legal standards

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Abstract: The article examines the determination of the place of enforcement where the debtor's property consists of intangible financial assets, with particular attention to Article 24 of the Law of Ukraine "On Enforcement Proceedings", the relevant Supreme Court jurisprudence, and selected comparative legal approaches. The study applies doctrinal legal analysis, statutory interpretation, case-law analysis, and functional comparative analysis of Ukrainian, German, English and European Union approaches. The findings demonstrate that bank-account balances and similar monetary rights cannot be localised solely by reference to the physical location of a financial institution because their legal existence derives from an underlying legal relationship. The analysis of the pre-2026 Supreme Court jurisprudence shows the gradual development of more legally relevant and objectively verifiable territorial connections. The study also distinguishes judicial interpretation from judicial law-making and identifies the procedural limits governing territorial competence. The 2026 amendment of Article 24 is examined as a subsequent legislative clarification of the pre-existing interpretative problem. The article concludes that territorial competence concerning intangible financial assets should rely on legally recognised and objectively supportable connecting factors established within the applicable statutory framework.

Keywords: Enforcement Proceedings, Intangible Financial Assets, Monetary Claims, Territorial Competence, Place Of Enforcement, Article 24, Supreme Court of Ukraine, Judicial Interpretation, Comparative Law, Financial Assets

1. Introduction

The digitalisation of financial services, electronic banking, and cross-border financial transactions has fundamentally changed the nature of property that may be subject to enforcement. Unlike tangible property, money held in bank accounts and other intangible financial rights do not necessarily possess a stable physical location that can be identified through traditional territorial criteria. Their legal existence is instead connected with a set of relationships involving the debtor, the financial institution, the creditor, and the authority responsible for enforcement. This development creates a specific legal problem for enforcement law: where legislation determines territorial competence by reference to the "location of the debtor's property", the application of that connecting factor becomes difficult when the property consists of an incorporeal monetary claim rather than a physically located object.

The problem is particularly significant under Article 24 of the Law of Ukraine "On Enforcement Proceedings", which establishes the general territorial framework for

the submission and execution of enforcement documents. The provision refers, among other connecting factors, to the debtor's place of residence, place of stay, place of employment, and the location of the debtor's property. While these criteria operate relatively clearly in relation to tangible assets, their application to bank-account balances and other intangible financial rights raises a distinct interpretative question. In practice, territorial competence may be associated with the debtor's residence, the location of the financial institution or its branch, the legal relationship underlying the monetary claim, or another legally relevant connection between the asset and the enforcement authority. The absence of a specific statutory rule for localising intangible financial assets therefore creates uncertainty concerning the appropriate territorial connection and the evidentiary basis required to establish it.

Comparative scholarship demonstrates that enforcement systems seek to reconcile the effective recovery of claims with procedural safeguards, asset identification, and judicial supervision. Studies addressing enforcement proceedings in different jurisdictions have emphasised, among other issues, the identification and disclosure of debtor assets, the effectiveness of execution mechanisms, and the need to balance creditor interests with procedural guarantees. Cabral⁶ examines the identification of assets and the mechanisms used to increase the effectiveness of execution proceedings, while Hess⁷ focuses on the effective disclosure of debtor assets. Recent scholarship also addresses judicial control, decision-making, and procedural safeguards in enforcement law.^{8,9} Research on general principles of civil procedure in enforcement proceedings further demonstrates the importance of consistency in the application of legality, equality, proportionality, and judicial oversight.¹⁰ These studies provide an important foundation for understanding enforcement effectiveness, but they do not establish a sufficiently developed framework for determining the territorial localisation of intangible financial assets under Article 24 of Ukrainian law.

A further limitation of the existing literature concerns the relationship between private-law classification and enforcement jurisdiction. The problem cannot be resolved solely by asking where a bank account or financial institution is geographically situated. It first requires clarification of the legal nature of the asset being enforced. A bank-account balance may represent an incorporeal monetary claim arising from the legal relationship between the account holder and the financial institution rather than a tangible object situated at a particular place. Accordingly, the determination of territorial competence requires an analysis of how property and monetary rights are legally characterised and how that characterisation affects the meaning of the statutory expression "location of the debtor's property".

Judicial practice is particularly important in this context. The territorial connection of enforcement proceedings involving financial assets has been examined in Case No. 260/1562/19 by the Zakarpattia District Administrative Court and subsequently

⁶ CABRAL, A. "Searching assets and pressuring the debtor for an effective enforcement: An overview of the Brazilian execution proceedings". In *Effective enforcement of creditors' rights*. Singapore: Springer Singapore, 2021, pp. 187-198. https://doi.org/10.1007/978-981-16-5609-5_18

⁷ HESS, B. "The effective disclosure of the debtor's assets in enforcement proceedings". In *Effective enforcement of creditors' rights*. Singapore: Springer Singapore, v. 91, 2021, pp. 27-41. https://doi.org/10.1007/978-981-16-5609-5_4

⁸ MARCINIĄK, A. "Odmowa wszczęcia egzekucji sądowej". *Monitor Prawniczy*, v. 31, n. 9, 2023, pp. 576-584. <https://doi.org/10.32027/MOP.23.9.2>

⁹ SZCZEKOŃSKI, P. "Justice in judicial enforcement law: Comments in the context of the decision-making model of the law application process". *Studia Iuridica Lublinensia*, v. 32, n. 4, 2023, pp. 175-189. <https://doi.org/10.17951/sil.2023.32.4.175-189>

¹⁰ ŽEMKAUSKAS, M., KIRKUTIS, M., and VIŠINSKIS, V. "The application of the general principles of civil procedure in enforcement proceedings". *Jurisprudencija*, v. 27, n. 2, 2020, pp. 508-529. <https://doi.org/10.13165/JUR-20-27-2-14>

developed in the case law of the Supreme Court of Ukraine, including Cases Nos. 925/791/21 and 924/90/22. These decisions illustrate different dimensions of the territorial problem, including the evidentiary basis for establishing the location of the debtor's property, the relevance of the debtor's banking relationship, and the procedural limits governing the exercise of enforcement powers. Their reasoning has not previously been sufficiently integrated with the private-law classification of intangible financial rights and with a focused comparative analysis of foreign enforcement models. These decisions demonstrate an evolution in judicial reasoning concerning the relevance of geographical criteria, the need for an objectively established connection between the financial asset and the competent enforcement authority, and the legal significance of the relationship between the debtor and the financial institution. Nevertheless, the three decisions have not been sufficiently examined together as an evolving body of judicial interpretation of Article 24. Nor has their reasoning been adequately integrated with the private-law classification of intangible financial rights and with a focused comparative analysis of foreign enforcement models.

The research gap addressed by this study therefore lies at the intersection of three areas that have generally been examined separately: the private-law characterisation of financial assets, the interpretation of Article 24 of the Law of Ukraine "On Enforcement Proceedings", and comparative approaches to territorial competence in enforcement proceedings. Existing scholarship provides important insights into enforcement effectiveness, judicial oversight, asset disclosure, and procedural guarantees, but comparatively little attention has been devoted to the specific question of how the legal nature of an intangible financial asset influences the determination of the place of enforcement. In addition, the development of Ukrainian Supreme Court case law concerning this problem requires a more detailed case-by-case analysis and a closer comparison with selected foreign legal systems.

Against this background, the study addresses three research questions. First, how should bank-account balances and other relevant intangible financial rights be legally characterised for the purposes of determining the location of the debtor's property? Second, how has the Supreme Court of Ukraine interpreted Article 24 when determining territorial competence in enforcement proceedings involving such assets, and what doctrinal principles emerge from that case law? Third, to what extent do selected comparative legal approaches support, modify, or challenge the interpretative framework developed in Ukrainian law?

The objective of the study is to develop a doctrinal and comparative framework for determining the place of enforcement where the debtor's property consists of intangible financial assets. To achieve this objective, the research combines doctrinal legal analysis, statutory interpretation, case-law analysis, and focused comparative legal analysis. Particular attention is given to the interaction between the legal classification of financial assets, the statutory connecting factors contained in Article 24, the reasoning of the Supreme Court of Ukraine, and the territorial models applied in selected foreign legal systems.

The scientific contribution of the study is threefold. First, it clarifies the conceptual relationship between the private-law character of financial assets and the territorial determination of enforcement competence. Second, it reconstructs the development of Supreme Court interpretation of Article 24 through a structured analysis of the relevant decisions and their *ratio decidendi* rather than treating them merely as isolated examples. Third, it develops a focused comparative framework for assessing whether a geographically based, debtor-centred, or legally relational approach provides the most appropriate basis for localising intangible financial assets in enforcement proceedings. On this basis, the study formulates proposals for improving the predictability and coherence of the application of Article 24 without treating judicial interpretation as a substitute for legislation.

The analysis is limited to financial assets and monetary rights that are relevant

to the enforcement problem considered under Article 24. Emerging categories of digital assets, virtual currencies, and tokenised property rights are not analysed substantively because their legal classification and enforcement regimes involve distinct and rapidly developing questions that require separate treatment. The references to technological developments in this article therefore serve only to explain the broader context of the problem and to identify areas for future legislative and doctrinal research.

The remainder of the article examines the legal nature of the place of enforcement and the relevant categories of intangible financial rights, explains the methodological and comparative framework, analyses Article 24 and the relevant Supreme Court decisions, evaluates selected comparative approaches, and discusses the doctrinal and legislative implications of the findings.

2. Literature review

2.1 The legal nature of property and intangible financial rights

The determination of the place of enforcement involving financial assets should begin with the legal classification of the asset itself. Territorial competence cannot be meaningfully assessed without first establishing whether the object of enforcement is a physical thing, an intangible right, or a monetary claim arising from a legal relationship. This distinction is particularly important for bank-account balances because the legal position of money held in an account differs fundamentally from that of physical cash.

Ukrainian civil law distinguishes between things and property rights within the broader category of property. Article 190 of the Civil Code of Ukraine defines property as a special object encompassing an individual thing, an aggregate of things, as well as property rights and obligations.¹¹ This formulation is important for the present study because it demonstrates that the legal concept of property is not restricted to corporeal objects capable of being assigned a physical location. Property may also consist of legally recognised rights and obligations having economic value. Consequently, the reference in Article 24 of the Law of Ukraine "On Enforcement Proceedings" to the "location of the debtor's property" cannot automatically be understood as referring only to the geographical location of a tangible object.

From a doctrinal perspective, a distinction should therefore be maintained between movable and immovable property, tangible and intangible property, and corporeal things and incorporeal rights. Tangible property possesses a physical form and can ordinarily be associated with a geographical location. An immaterial proprietary right, by contrast, exists through a legally recognised relationship and may not have an equivalent physical situs. The distinction becomes particularly significant in enforcement proceedings because the territorial connection relevant to an intangible right may arise from the legal relationship underlying that right rather than from the physical location of an object.

Physical money and money credited to a bank account should likewise not be treated as legally identical. Physical cash is a tangible object capable of physical possession and localisation. A bank-account balance, however, represents an economic entitlement of the account holder arising from the contractual and statutory relationship with the financial institution. The relevant object of enforcement is therefore not necessarily a quantity of banknotes situated at a particular branch, but a monetary claim or equivalent financial entitlement recognised within the relationship between the account holder and the institution maintaining the account.

¹¹ VERKHOVNA RADA OF UKRAINE. Law of Ukraine "On Enforcement Proceedings". No. 1404-VIII of 2 June 2016. 2016. Available at: <https://zakon.rada.gov.ua/laws/show/1404-19> (accessed on 29 August 2026).

This distinction provides an important doctrinal basis for examining why the physical location of a bank branch cannot, by itself, determine the place of enforcement.

For the purposes of this study, the term "*financial assets*" should consequently be used in a limited and functional sense. It refers primarily to bank deposits, account balances and other monetary claims against financial institutions that may be subject to enforcement under Article 24. Securities, electronic money and other intangible financial rights may fall within the broader concept of financial assets, but they are considered only to the extent that their legal characteristics are relevant to the problem of territorial localisation. Digital assets, virtual currencies and tokenised property rights are outside the substantive scope of the present analysis because their legal classification and enforcement mechanisms raise distinct questions that cannot be resolved solely through the interpretation of Article 24.

This classification also helps explain why the traditional geographical model of enforcement becomes problematic in relation to financial rights. A tangible movable asset may ordinarily be localised through its physical presence. An immovable asset is connected to a legally defined territory through its *situs*. An incorporeal financial right, however, is constituted through a legal relationship and may simultaneously involve a debtor in one jurisdiction, a financial institution in another, and an enforcement authority in a third. The territorial connection must therefore be established through legally relevant connecting factors rather than assumed solely from the physical infrastructure through which the financial service is provided.

The existing Ukrainian literature on enforcement proceedings has primarily emphasised the effective execution of judicial decisions, procedural safeguards, asset identification and the institutional organisation of enforcement. Lytvyn et al.¹² consider enforcement of judicial decisions as an important guarantee of rights protection, while Hess¹³ emphasises the disclosure and identification of debtor assets. Cabral¹⁴ similarly examines mechanisms for locating assets and strengthening the effectiveness of execution proceedings. These contributions demonstrate the practical significance of identifying the debtor's assets, but they do not fully resolve the doctrinal question of how an intangible monetary claim should be legally localised for the purpose of determining territorial competence.

This doctrinal distinction is also relevant to comparative legal analysis. The comparative method should not begin by asking which country treats a bank account as being "located" in a particular place. It should first examine the legal object involved, the legal relationship generating the right, and the connecting factor used by the relevant legal system to determine territorial competence. René David and John E. C. Brierley's classical comparative-law framework demonstrates the importance of analysing legal systems according to their underlying legal traditions, structures and sources rather than treating individual rules as isolated examples.¹⁵ This approach provides the methodological basis for the more focused comparison undertaken later in this article.

Accordingly, the legal classification of financial assets provides the necessary conceptual bridge between private law and enforcement law. Once a bank-account balance or other intangible monetary right is understood as a legally constituted claim rather than a physically situated object, the question under Article 24 changes from

¹² LYTUVYN, N., ANDRUSHCHENKO, H., ZOZULYA, Y. V., NIKANOROVA, O. V., and RUSAL, L. M. "Enforcement of court decisions as a social guarantee of protection of citizens rights and freedoms". *Prawo i Wiez*, v. 2022, n. 39, 2022, pp. 80-102. <https://doi.org/10.36128/priw.vi39.351>

¹³ HESS, B. "The effective disclosure of the debtor's assets in enforcement proceedings". 2021. Ibid.

¹⁴ CABRAL, A. "Searching assets and pressuring the debtor for an effective enforcement: An overview of the brazilian execution proceedings". 2021. Ibid.

¹⁵ DAVID, R., and BRIERLEY, J. E. C. *Major legal systems in the world today: An introduction to the comparative study of law*. 3rd ed. London: Stevens, 1985.

"where is the asset physically located?" to "which legally relevant territorial connection sufficiently links the right, the debtor, and the competent enforcement authority?" The latter formulation provides the appropriate starting point for analysing Ukrainian Supreme Court jurisprudence and the comparative models considered in the subsequent sections.

2.2 Doctrinal approaches to the interpretation and localisation of financial assets

The legal classification of financial assets determines the framework within which their territorial localisation may be assessed. Where the object of enforcement is a tangible asset, its physical presence can ordinarily provide an identifiable territorial connection. Where the object is an incorporeal monetary right, however, the relevant connection must be derived from the legal relationship through which the right exists and from the statutory criteria governing enforcement competence. The problem is therefore not simply where financial assets are administered in practice, but which legally relevant connection can establish their location for enforcement purposes.

Three principal approaches may be distinguished. The first is a *formal localisation approach*, under which territorial competence is connected to the place where the financial institution maintaining the account or administering the relevant asset is situated. This approach offers administrative simplicity because the institution provides an identifiable geographical point. Its weakness is that the physical location of a bank or branch may have little substantive relationship to the legal entitlement being enforced. Modern financial institutions may maintain centralised information systems, while an account may be accessible through branches or electronic channels located in different territories. Consequently, treating the location of the institution as decisive may produce a territorial connection that is technically identifiable but legally artificial.

The second is a *debtor-centred approach*, under which the place of residence, domicile, habitual presence, or registered establishment of the debtor constitutes the principal connecting factor. This model provides a relatively predictable basis for territorial competence because it relies upon a legally recognised connection with the person against whom enforcement is directed. It may also reduce the significance of the institutional location of the financial intermediary. Nevertheless, a debtor-centred approach does not always explain the territorial relationship of the financial right itself, particularly where the debtor, financial institution, and enforcement authority are situated in different jurisdictions.

The third is a *legal-relationship approach*, under which localisation is determined through the legally relevant relationship connecting the debtor, the financial right, the financial institution, and the competent enforcement authority. Under this model, the "location" of an intangible financial asset is not treated as a physical characteristic. Instead, it is established by identifying the legal circumstances that connect the proprietary or monetary claim with a particular territorial jurisdiction. This approach is particularly relevant where a bank-account balance represents an incorporeal monetary claim rather than a physically identifiable object.

The Ukrainian literature supports interpretation of Article 24 through more than a purely literal reading of the provision. The scientific and practical commentary on the Law of Ukraine "On Enforcement Proceedings" and commentary on Ukrainian civil procedure emphasise the need to interpret procedural rules systematically and in connection with the purposes of enforcement proceedings. This approach is consistent with the broader understanding of enforcement as a stage of legal protection in which the effectiveness of execution must be reconciled with procedural

safeguards.^{16,17} The existing literature therefore provides a basis for moving beyond the purely geographical understanding of the phrase “location of the debtor’s property”.

Judicial interpretation is particularly important where legislation uses general connecting factors without specifying how they should operate in relation to new forms of property. The authors emphasise the role of judicial interpretation in resolving ambiguity and promoting consistent application of legislation.¹⁸ In enforcement proceedings, this function becomes particularly significant because the legislature cannot necessarily anticipate every technological and financial arrangement through which an economically valuable right may arise. At the same time, judicial interpretation must remain within the boundaries of statutory authority and cannot replace the legislature by creating an entirely new jurisdictional regime.

The distinction between interpretation and judicial law-making is therefore central to Article 24. Where the statutory term “property” is sufficiently broad to encompass legally recognised property rights, judicial interpretation may clarify how that term operates with respect to intangible monetary rights. Such interpretation is materially different from creating a new statutory connecting factor without an adequate legal basis. The legitimacy of the judicial approach consequently depends on the relationship between the wording of Article 24, the general concept of property in Ukrainian private law, the objectives of enforcement proceedings, and the constitutional requirements governing the exercise of public authority.

Comparative enforcement law confirms that the localisation of intangible assets cannot always be reduced to a single geographical criterion. Contemporary comparative research demonstrates that enforcement systems use different combinations of debtor-related, asset-related, institutional, and procedural connecting factors. Malskyy, for example, identifies significant differences among foreign enforcement systems while demonstrating the continuing importance of procedural safeguards and legally defined enforcement powers¹⁹. Recent comparative research also indicates that effective enforcement requires clear allocation of authority, judicial oversight, and safeguards against arbitrary interference with the rights of the debtor and creditor. These considerations are particularly relevant where financial assets are capable of being accessed, transferred, or administered across territorial boundaries.

The European enforcement framework provides an additional illustration of the distinction between the physical location of an asset and the legal mechanisms through which it may be reached. Regulation (EU) No. 655/2014 establishes the European Account Preservation Order as a mechanism for preserving funds held in bank accounts in cross-border civil and commercial proceedings. The regulatory framework demonstrates that cross-border enforcement involving bank accounts depends on legally defined procedures and connecting factors rather than merely on the physical location of money. The Court of Justice of the European Union has also addressed questions relevant to the cross-border enforcement and jurisdictional

¹⁶ ZHURAVLOV, D. V. (Ed.). *Scientific and practical commentary on the law of Ukraine "On Enforcement Proceedings"*. Kyiv: Professional Publishing House, 2018. Available at: https://pravo-izdat.com.ua/image/data/Files/411/npk_vp.pdf (accessed on 29 August 2026).

¹⁷ VASYLYNA, N. V., HULKO, B. I., and KOT, O. O. (Eds.). *Civil Procedure Code of Ukraine: Scientific and Practical Commentary*. Kyiv: Dakor, 2021.

¹⁸ ANTOSHKINA, V., SHEVCHENKO, D., SHCHOKIN, R., BOIKO, O., and FOKIN, Y. F. “The practice of legal interpretation by judicial authorities in Ukraine: Theoretical and organizational principles”. *Revista Relações Internacionais do Mundo Atual*, v. 3, n. 41, 2023, pp. 506-523. Available at: <https://revista.unicuritiba.edu.br/index.php/RIMA/article/view/e-6403> (accessed on 29 August 2026).

¹⁹ MALSKYY, M. M. “Legal regulations of enforcement procedure in selected foreign jurisdictions”. *Comparative Law Review*, v. 28, 2022, pp. 393-409. <https://doi.org/10.12775/CLR.2022.013>

treatment of claims and financial assets in *K.H.K. v. B.A.C. and E.E.K.* (Case C-555/18) and *Starkininvest SRL* (Case C-291/21). These decisions are used here as comparative EU materials rather than as direct sources of Ukrainian territorial competence. These materials are relevant not because they establish a directly applicable Ukrainian rule, but because they demonstrate the broader European tendency to regulate financial enforcement through legally structured mechanisms rather than through an exclusively physical understanding of asset location.

The same analytical distinction is relevant to the assessment of procedural safeguards. The localisation rule determines which authority may act, but the exercise of that authority must remain justified by the purpose of enforcement and compatible with the procedural rights of the parties. Comparative scholarship on enforcement emphasises the importance of effective judicial oversight and reasonable restrictions on enforcement powers.^{20,21} In this context, territorial competence should not be viewed as a purely administrative question. It establishes the legal boundary within which an enforcement authority may exercise public power and therefore affects predictability, access to review, and the protection of competing creditor and debtor interests.

Accordingly, the interpretation of Article 24 should not begin from the assumption that every form of property must have a geographical location comparable to that of a physical object. For intangible financial rights, localisation should instead be understood as a *legal connecting factor* derived from the nature of the right, the relationship giving rise to it, the debtor's legally relevant connection with the territory, and the statutory competence of the enforcement authority. This approach does not eliminate territorial competence. Rather, it redefines the basis on which territorial competence is established for property that lacks a stable physical situs.

The distinction among the three approaches also provides the analytical framework for examining the Supreme Court of Ukraine. The relevant question is not whether the Court has abandoned territoriality, but whether it has shifted from a *physical-territorial model* toward a model in which territorial competence is established through the legally relevant relationship between the debtor, the financial right, and the competent authority. The answer to that question requires detailed examination of Cases Nos. 260/1562/19, 925/791/21, and 924/90/22, which is undertaken in Section 4.

This framework also narrows the purpose of the comparative analysis. The aim is not to catalogue all possible approaches to enforcement jurisdiction. It is to identify the legal criteria used by selected legal systems when the object of enforcement is an intangible financial right and to determine whether those criteria provide persuasive support for the interpretation of Article 24. Recent *Cadernos de Dereito Actual* publications likewise demonstrate the journal's use of focused comparative analysis in which selected European jurisdictions are examined in relation to a clearly defined Ukrainian legal problem rather than through an exhaustive survey of jurisdictions.^{22, 23}

²⁰ ŽEMKAUSKAS, M., KIRKUTIS, M., and VIŠINSKIS, V. "The application of the general principles of civil procedure in enforcement proceedings". 2020. Ibid

²¹ SZCZEKOŃSKI, P. "Justice in judicial enforcement law: Comments in the context of the decision-making model of the law application process". 2023. Ibid.

²² RUDENKO, T., HURIN, V., IVANYTSKYI, S., LOSKUTOV, T., and MOSTEPANIUK, L. "Features of organizing the investigation of crimes against property: The experience of the EU countries". *Cadernos de Dereito Actual*, n. 32, 2026, pp. 201-223. Available at: <https://www.cadernosdedereitoactual.es/index.php/cadernos/article/view/1495> (accessed on 29 August 2026).

²³ TARASIUK, S., MIROSHNYKOV, I., and BOGDANOV, Y. "Peculiarities of exercising the investigating judge's powers within the framework of a mixed model of judicial oversight: Consideration of the European legal paradigm". *Cadernos de Dereito Actual*, v. 31, 2026, pp. 284-304. Available at: <https://cadernosdedereitoactual.es/index.php/cadernos/article>

2.3 Judicial interpretation and the development of Article 24

Judicial interpretation occupies a central position in the application of Article 24 because the provision establishes general territorial connecting factors without expressly defining how intangible financial rights should be localised. The use of concepts such as the debtor's "property" and the "location" of that property requires interpretation when the object of enforcement is not a physically situated thing. The issue is therefore not whether courts may disregard the statutory text, but how the existing statutory concepts should be applied to property whose legal characteristics differ from those of tangible assets.

In Ukrainian legal doctrine, judicial interpretation is generally understood as a mechanism for clarifying the meaning and scope of existing legal provisions rather than as an autonomous source of legislation. Antoshkina et al.²⁴ emphasise the role of judicial interpretation in resolving ambiguity and promoting consistent application of legal rules. This function is particularly important in enforcement law because general statutory concepts must be applied to changing economic and technological conditions. Courts may therefore determine the meaning of statutory terms in concrete disputes while remaining bound by the framework established by the legislature.

This distinction is essential in relation to Article 24. The provision does not expressly establish a comprehensive statutory definition of the territorial location of an intangible financial right. Consequently, judicial interpretation may be required to determine whether the concept of the debtor's "property" encompasses a monetary claim against a financial institution and, if so, which legally relevant connection should be used to establish its territorial location. Such interpretation may develop the practical meaning of the statutory provision without necessarily creating an entirely new jurisdictional rule.

The legitimacy of this judicial function depends upon several interconnected considerations. First, the interpretation must remain compatible with the ordinary legal meaning of the statutory terminology. Secondly, the provision must be interpreted systematically in conjunction with the rules governing property, obligations, banking relationships, and enforcement proceedings. Thirdly, the interpretation should take account of the purpose of enforcement law, including the effective execution of judicial decisions and the protection of the procedural rights of the parties. Finally, judicial reasoning must remain sufficiently constrained to prevent the substitution of judicial preferences for legislative choices.

The boundary between statutory interpretation and judicial law-making is particularly important where Article 24 is applied to intangible financial assets. A court may reasonably conclude that the statutory concept of "property" is capable of encompassing an incorporeal monetary claim where that conclusion is supported by the general law of property. It may also identify the legally relevant territorial connection by examining the relationship among the debtor, the financial institution, and the enforcement authority. However, a court should not create a completely new category of territorial competence that has no identifiable basis in the statutory framework.

The Supreme Court's role is therefore not simply corrective but doctrinal. Through the interpretation of Article 24, the Court may clarify how a general statutory connecting factor operates in specific categories of enforcement disputes. This is particularly significant where earlier decisions have produced uncertainty concerning whether the relevant connection should be established through the location of the

/view/1388 (accessed on 29 August 2026).

²⁴ ANTOSHKINA, V., SHEVCHENKO, D., SHCHOKIN, R., BOIKO, O., and FOKIN, Y. F. "The practice of legal interpretation by judicial authorities in Ukraine: Theoretical and organizational principles". 2023. Ibid.

financial institution, the debtor's residence, or another legally significant relationship. Judicial clarification can reduce divergent approaches and provide a more predictable basis for subsequent enforcement decisions.

The three judicial decisions examined in this study illustrate this process of doctrinal and procedural development. Case No. 260/1562/19 provides an early evidentiary illustration, while Cases Nos. 925/791/21 and 924/90/22 demonstrate subsequent developments in Supreme Court reasoning concerning territorial and procedural aspects of enforcement.

The doctrinal significance of this development lies in the fact that the Court's approach effectively distinguishes the *physical location of an intermediary* from the *legal location of the right being enforced*. A bank branch may provide services in a particular territory without that fact alone establishing that the debtor's monetary claim is legally situated there. Conversely, a territorial connection may exist where the relevant legal relationship, the debtor, and the enforcement authority are connected through legally recognised circumstances even though the underlying financial information is maintained through centralised or electronic systems.

This approach is consistent with the broader development of enforcement law, in which the effectiveness of judicial protection depends not only on the existence of an enforceable judgment but also on the ability to identify assets and exercise enforcement powers through legally predictable procedures. Hess emphasises the importance of effective mechanisms for identifying debtor assets, while Cabral links asset identification to the effectiveness of execution.^{25, 26} Szczekocki and Žemkauskas et al. likewise emphasise the importance of principled and procedurally controlled decision-making in enforcement proceedings.^{27, 28} These studies support the proposition that territorial competence should be structured in a manner that allows enforcement to remain effective without abandoning legal constraints.

At the same time, the development of judicial interpretation does not eliminate the need for legislative clarity. Where the statutory framework repeatedly requires courts to determine the localisation of new forms of property through interpretation, judicial practice can reduce uncertainty but cannot fully replace detailed legislative regulation. This distinction is particularly important for intangible financial rights because technological developments may produce new categories of assets whose legal characteristics cannot necessarily be accommodated through existing statutory terminology. The appropriate role of judicial interpretation is therefore to clarify the application of existing concepts, while more fundamental changes in the scope of enforcement competence remain matters for legislative consideration.

The resulting doctrinal position can be formulated as follows: *Article 24 should be interpreted as establishing territorial competence through legally relevant connecting factors rather than requiring every item of property to possess a fixed physical situs*. For intangible financial rights, the relevant connection should be identified by examining the legal character of the right, the relationship between the debtor and the financial institution, the debtor's legally relevant connection with the territory, and the competence of the enforcement authority. This interpretation preserves the territorial nature of enforcement while adapting the statutory concept of property to the characteristics of incorporeal financial rights.

The three Supreme Court decisions therefore provide the principal judicial basis

²⁵ HESS, B. "The effective disclosure of the debtor's assets in enforcement proceedings". 2021. Ibid.

²⁶ CABRAL, A. "Searching assets and pressuring the debtor for an effective enforcement: An overview of the Brazilian execution proceedings". 2021. Ibid.

²⁷ ŽEMKAUSKAS, M., KIRKUTIS, M., and VIŠINSKIS, V. "The application of the general principles of civil procedure in enforcement proceedings". 2020. Ibid.

²⁸ SZCZEKOCKI, P. "Justice in judicial enforcement law: Comments in the context of the decision-making model of the law application process". 2023. Ibid.

for testing this proposition. Their detailed factual circumstances, procedural context, reasoning, and ratio decidendi must be examined separately in order to determine whether the Court has established a coherent relationship-based standard or merely resolved individual disputes on their particular facts. That case-by-case analysis forms the basis of Section 4.2.

2.4 Procedural and rule-of-law constraints on territorial competence

The determination of territorial competence in enforcement proceedings cannot be reduced to the identification of a formal connecting factor. Because enforcement involves the exercise of public authority against a debtor's property, the selection and application of that connecting factor must operate within the broader procedural and constitutional framework governing enforcement. The relevant standards include legality, predictability of legal rules, procedural equality, proportionality of enforcement measures, and effective judicial review. These standards do not themselves determine the place of enforcement, but they constrain the interpretation and application of the statutory criteria through which territorial competence is established.

The principle of legality requires the competent enforcement authority to derive its powers from law and to act within the territorial boundaries established by the applicable legislation. Article 24 of the Law of Ukraine "On Enforcement Proceedings" therefore performs more than an organisational function. By identifying the statutory circumstances under which enforcement documents may be submitted, the provision establishes the legal conditions under which public enforcement authority may be exercised. Where the statutory reference to the "location of the debtor's property" is applied to an intangible financial right, interpretation must therefore remain anchored in the legislative framework rather than in purely administrative convenience.

Legal certainty is particularly important where the object of enforcement lacks a stable physical situs. A territorial rule that depends entirely on the location of a bank branch or other technical point of administration may produce inconsistent outcomes where financial services are centralised or available across several territories. Conversely, a rule based exclusively on the debtor's residence may fail to account for the legal relationship underlying the financial right. The relevant standard should therefore be sufficiently precise to allow creditors, debtors, enforcement authorities, and courts to anticipate which territorial connection is legally relevant and what evidence is required to establish it.

This requirement is closely connected with procedural equality. Territorial competence should not permit a creditor to select an enforcement forum solely because it offers a strategic procedural advantage unrelated to a genuine legal connection with the dispute or the property being enforced. At the same time, the territorial rule should not impose unnecessary obstacles on the creditor seeking effective execution of a valid judicial decision. The appropriate framework must therefore balance the creditor's interest in effective enforcement against the debtor's interest in protection against arbitrary or forum-driven exercise of enforcement powers.

Proportionality provides a further constraint where the localisation of financial assets determines the authority entitled to obtain information about accounts, impose attachments, or take other measures affecting the debtor's financial sphere. Enforcement authority must be connected to a legitimate statutory purpose, and procedural measures directed at financial assets should remain necessary and appropriately tailored to that purpose. Comparative research on enforcement similarly demonstrates that effective execution must be reconciled with safeguards

protecting the debtor's private and financial interests.²⁹ The territorial connection should therefore not become a mechanism through which enforcement powers are extended beyond the scope justified by law.

Effective judicial protection represents the corresponding procedural guarantee. The execution of a judgment is an essential component of judicial protection, and deficiencies in enforcement may undermine the practical effectiveness of rights recognised by a court. The European Court of Human Rights has repeatedly treated enforcement as an integral component of the right to a fair trial, while cases concerning Ukraine have also demonstrated the broader consequences of ineffective execution of domestic judgments. In *Hornsby v. Greece*, the Court recognised that execution of a judgment forms part of the "trial" for Convention purposes³⁰; the later case law concerning Ukraine has further demonstrated the importance of effective enforcement as a component of judicial protection.

The comparative perspective supports the conclusion that the implementation of territorial competence differs across legal systems, but the underlying procedural objective is broadly similar: enforcement authority should be exercised through clear legal criteria, subject to appropriate oversight and safeguards. CEPEJ materials likewise emphasise transparency, predictability and accountability as important dimensions of the effectiveness of judicial systems. These standards are relevant to enforcement because uncertainty regarding the competent authority may lead to procedural delays, disputes concerning the validity of enforcement measures, and inconsistent treatment of comparable cases.

For Ukraine, these considerations support an interpretation of Article 24 that distinguishes between the *statutory connecting factor* and the *evidence required to establish that connection*. The existence of an intangible financial right does not eliminate territorial competence. Rather, it requires the relevant territorial connection to be established through objective legal and factual circumstances. The Supreme Court's development of an evidence-based approach is therefore significant because it transforms an abstract localisation problem into a question capable of judicial verification.

The resulting framework can be expressed through five interrelated requirements. First, territorial competence must have a sufficient basis in statutory law. Second, the connecting factor must be capable of reasonably predictable application. Third, the territorial rule must preserve procedural equality between creditor and debtor. Fourth, measures based on the territorial connection must remain proportionate to the legitimate enforcement objective. Fifth, the exercise of competence must remain subject to effective judicial review. These requirements operate as constraints on interpretation rather than as independent substitutes for Article 24.

Accordingly, the principles examined in this section should not be treated as a repetitive list of general legal values. Their analytical function is more specific. They provide the standards against which competing interpretations of the phrase "location of the debtor's property" can be assessed. An interpretation that identifies territorial competence solely through the physical location of a bank branch may offer administrative certainty but may fail to reflect the legal nature of the underlying monetary right. An interpretation based exclusively on the debtor's residence may improve predictability but may not adequately capture the legal relationship through which the financial asset exists. A relationship-based approach, by contrast, may

²⁹ NAMURA, H., and KOYANAGI, S. "Proposal for a procedure to strengthen creditor's claims while protecting debtor's quality of life and privacy in Japan", In *Effective enforcement of creditors' rights*. Singapore: Springer Singapore, 2021, pp. 95-109. https://doi.org/10.1007/978-981-16-5609-5_11

³⁰ EUROPEAN COURT OF HUMAN RIGHTS. *Hornsby v. Greece, Application No. 18357/91, Judgment of 19 March 1997*. Available at: <https://hudoc.echr.coe.int/eng?i=001-58020> (accessed on 29 August 2026).

better accommodate intangible property, provided that the relevant connection is defined through objective criteria and remains subject to judicial control.

This framework provides the normative criteria for evaluating the Supreme Court decisions and the selected comparative approaches in the following sections. Rather than assuming that a relationship-based model is preferable simply because financial assets are intangible, the analysis must determine whether that model remains compatible with the statutory text, the private-law nature of the asset, and the procedural constraints governing the exercise of enforcement authority.

3. Methods and materials

3.1 Research design

The comparative component is designed as a focused comparison rather than an exhaustive survey of jurisdictions. Its purpose is to identify alternative methods for establishing territorial competence where enforcement concerns intangible financial rights and to assess their relevance to the Ukrainian problem. The comparative analysis examines the legal object, the principal territorial connecting factor, the role of the financial institution, the relevance of the debtor's location, and the procedural safeguards accompanying enforcement.

The research therefore combines four mutually related analytical operations: (i) interpretation of the relevant statutory provisions; (ii) classification of the financial rights forming the object of enforcement; (iii) analysis of the reasoning and ratio decidendi of the selected judicial decisions; and (iv) comparison with selected foreign and European approaches. The findings derived from these operations are then evaluated against the requirements of legality, predictability, proportionality, equality of the parties, and effective judicial review.

3.2 Selection of jurisdictions and legal sources

The comparative sample was deliberately narrowed in response to the methodological problem identified in the earlier version of the article, where a large number of jurisdictions were presented without sufficient doctrinal depth. The revised study treats Ukraine as the principal jurisdiction and compares it with Germany and England and Wales. European Union law is examined separately as a supranational normative framework rather than as an additional domestic jurisdiction.

The selection follows a functional comparative approach informed by the legal-family perspective associated with René David and John E. C. Brierley (1985). The purpose of the selection is not to assume that legal systems belonging to different traditions are interchangeable, but to identify contrasting ways in which legal systems address the localisation of intangible rights and the territorial exercise of enforcement powers.

Germany was selected as a civil-law comparator because its legal system provides a developed private-law framework for distinguishing corporeal things from claims and other rights and offers a relevant continental model for examining the relationship between the legal character of property and enforcement competence. England and Wales was selected as a common-law comparator because its jurisprudence concerning the situs of intangible rights provides a materially different conceptual approach to localisation. These jurisdictions therefore allow the Ukrainian approach to be examined against two distinct legal traditions while keeping the comparative analysis sufficiently focused to permit doctrinal depth.

Ukraine is not treated as merely one jurisdiction among others. It constitutes the principal object of analysis, and the foreign jurisdictions serve as functional comparators against which the interpretation of Article 24 can be assessed. Contemporary Ukrainian private law is considered within the broader civil-law tradition while also taking account of its post-socialist development and continuing

Europeanisation. This position is relevant because the objective of the comparison is not to classify Ukraine for its own sake, but to determine which foreign concepts are genuinely relevant to the interpretation of Ukrainian enforcement legislation.

The principal legal sources consist of Ukrainian legislation, including the Civil Code of Ukraine and the Law of Ukraine "On Enforcement Proceedings"; decisions of the Supreme Court of Ukraine; relevant European Union legal instruments and decisions of the Court of Justice of the European Union; legislation and leading judicial materials from Germany; and relevant legislation and case law from England and Wales. International human-rights materials are used where they establish principles relevant to enforcement and judicial protection. Secondary sources were selected according to their relevance to the legal classification of intangible property, bank-account claims, enforcement against financial assets, territorial competence, judicial interpretation, and comparative enforcement law.

The Ukrainian case-law sample consists of Case No. 260/1562/19 and Supreme Court Cases Nos. 925/791/21 and 924/90/22. The cases were selected purposively because they address different aspects of the territorial and procedural problems arising under Article 24. Case No. 260/1562/19 is relevant to the evidentiary question of whether the existence of a bank account is sufficient to establish the location of the debtor's property. Case No. 925/791/21 addresses the relationship between the debtor, the financial institution, and the territorial competence of a private enforcement officer. Case No. 924/90/22 contributes primarily to the analysis of procedural legality and judicial control in enforcement proceedings. The cases are analysed chronologically and doctrinally to identify continuity, development, and differences in judicial reasoning.

The comparative analysis does not attempt to establish a universal model for enforcement jurisdiction. Instead, it uses a common set of analytical variables across the selected systems: (i) the legal classification of the financial asset; (ii) the territorial connecting factor used for enforcement; (iii) the relevance of the debtor's residence or domicile; (iv) the relevance of the financial institution's location; (v) the role of the legal relationship underlying the monetary claim; and (vi) the procedural safeguards available to the parties. These variables provide a common basis for comparison while preserving the doctrinal specificity of each legal system. The comparison demonstrates that the selected systems do not employ an identical method of localisation (Table 1).

Table 1. Comparative models for determining the place of enforcement of intangible financial assets.

Jurisdiction /legal framework	Legal object relevant to enforcement	Principal territorial connecting factor	Role of financial institution	Role of debtor's location	Principal procedural significance
Ukraine	Bank-account balances and monetary claims treated as property rights capable of enforcement under Article 24 of the Law of Ukraine "On Enforcement Proceedings"	Legally relevant connection between the debtor, the financial right, and the competent enforcement authority	The location of the servicing bank or branch is not, by itself, determinative	Relevant statutory connecting factor, but not necessarily exclusive where the object is an intangible financial right	Supreme Court interpretation seeks to establish an objectively verifiable territorial connection
Germany	Monetary claims and other property	Statutory enforcement procedure	The bank is treated as the third-party	Relevant primarily through the	Under § 829 ZPO, attachment of

Jurisdiction /legal framework	Legal object relevant to enforcement	Principal territorial connecting factor	Role of financial institution	Role of debtor's location	Principal procedural significance
	rights subject to enforcement	directed against the monetary claim and the third-party debtor (<i>Drittschuldner</i>)	debtor against whom the attachment order operates	general rules governing enforcement jurisdiction and the debtor's procedural position	a monetary claim operates through an order prohibiting the third-party debtor from paying the debtor and requiring the debtor to refrain from disposing of the claim
England and Wales	Intangible debts and contractual claims, including bank-related claims	Situs of the debt, generally connected with the place where the debt can be enforced, subject to specific rules applicable to particular instruments	The relevant bank branch or contractual structure may determine where the debt is recoverable in particular circumstances	Not necessarily decisive where the object of enforcement is a debt owed by a third party	<i>Taurus Petroleum Ltd v State Oil Marketing Co.</i> demonstrates that determining the situs of an intangible debt requires examination of the legal obligations and the place where the debt is legally recoverable
European Union	Funds held in bank accounts in cross-border civil and commercial matters	The Member State in which the bank account is maintained, within the specific framework of Regulation (EU) No. 655/2014	The bank maintaining the account is directly involved in implementation of the preservation order	Creditor and debtor domicile affect whether a case qualifies as cross-border under the Regulation	The European Account Preservation Order creates a harmonised procedural mechanism for preservation of funds in cross-border cases while leaving national enforcement law otherwise applicable

Source: Developed by the authors on the basis of Ukrainian legislation and Supreme Court jurisprudence, German enforcement legislation, English case law concerning the situs of debts, and European Union legislation governing cross-border preservation of bank accounts.^{31, 32, 33}

³¹ EUROPEAN UNION. *Court of Justice of the European Union. Judgment of the Court (Sixth Chamber) of 7 November 2019*. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62018CJ0555> (accessed on 29 August 2026).

³² COURT OF JUSTICE OF THE EUROPEAN UNION. *Starkinvest SRL* (Case C-291/21, ECLI:EU:C:2023:299). CURIA, 2023. Available at:

The comparison demonstrates that the selected systems do not employ an identical method of localisation. German law approaches the problem primarily through the legal nature of the monetary claim and the procedural relationship with the third-party debtor. Section 829 of the German Code of Civil Procedure (*Zivilprozessordnung*, ZPO) expressly regulates the attachment of a monetary claim by prohibiting the third-party debtor from paying the judgment debtor and requiring the debtor to refrain from disposing of the claim. The rule therefore treats the monetary claim as an object of enforcement rather than requiring the creditor to identify a physical location of the money.³⁴

English law provides a particularly useful comparison because the concept of *situs* has developed through case law concerning intangible debts. In *Taurus Petroleum Ltd v State Oil Marketing Co. of the Ministry of Oil, Republic of Iraq*, the English Court of Appeal addressed the *situs* of debts arising under letters of credit and considered where those debts could properly be recovered and enforced. The decision demonstrates that the localisation of an intangible monetary obligation may depend upon the legal structure of the underlying obligation rather than simply upon the physical location of funds.³⁵

The European Union framework provides a different, supranational approach. Regulation (EU) No. 655/2014 establishes a European Account Preservation Order for cross-border civil and commercial matters and expressly defines the relevant cross-border situation partly by reference to the Member State in which the bank account is maintained. The Regulation consequently demonstrates that, where a specific supranational procedure exists, the location of the bank account may constitute a legally defined connecting factor even though the funds themselves are intangible.³⁶

The comparison therefore does not establish that one universal localisation rule exists. Instead, it reveals three analytically distinct approaches relevant to the Ukrainian problem. The German model emphasises the legal claim and the procedural relationship with the third-party debtor; English law illustrates the importance of the legal *situs* of the debt; and EU law demonstrates how legislation may expressly establish the Member State in which an account is maintained as a connecting factor for a particular cross-border procedure. Ukrainian law occupies a distinctive position because Article 24 contains general territorial criteria while the Supreme Court has been required to clarify their application to intangible financial assets.

This comparison supports the methodological conclusion that the territorial localisation of financial assets should not be assessed exclusively through the physical infrastructure of the financial institution. The decisive question is the legal connecting factor recognised by the applicable legal system. In Ukrainian law, this issue is particularly important because the relevant connecting factor is not comprehensively defined by Article 24 itself and has therefore become the subject of judicial interpretation.

<https://curia.europa.eu/juris/liste.jsf?num=C-291/21> (accessed on 29 August 2026).

³³ EUROPEAN UNION. *Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters*. *Official Journal of the European Union*, L 189, 2014, pp. 59–92. Available at: <https://eur-lex.europa.eu/eli/reg/2014/655/oj> (accessed on 29 August 2026).

³⁴ GERMANY. *Zivilprozessordnung (ZPO)*, § 829, Pfändung einer Geldforderung. Available at: https://www.gesetze-im-internet.de/zpo/_829.html (accessed on 29 August 2026).

³⁵ BAILII. *England and Wales Court of Appeal (Civil Division) Decisions*, 2015. Available at: <https://www.bailii.org/ew/cases/EWCA/Civ/2015/835.html> (accessed on 29 August 2026).

³⁶ EUROPEAN UNION. *Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters*. 2014. *Ibid*.

3.3 Methods of legal analysis

The principal method is doctrinal legal analysis. It is used to determine the meaning and scope of the statutory concepts governing territorial competence and to establish the relationship between Article 24 and the private-law classification of financial assets.

Statutory interpretation combines grammatical, systematic, and teleological approaches. Grammatical interpretation establishes the ordinary meaning of the relevant statutory terms. Systematic interpretation examines Article 24 in conjunction with the provisions governing property, obligations, banking relationships, and enforcement proceedings. Teleological interpretation considers the purposes of enforcement law, including effective execution of judicial decisions and protection against arbitrary exercise of enforcement powers. A rights-oriented approach is used where necessary to assess whether competing interpretations are compatible with constitutional and procedural guarantees.

Case-law analysis focuses on the reasoning of the Supreme Court rather than merely on the outcomes of individual cases. For each selected decision, the analysis identifies the relevant facts, procedural context, legal issue, arguments considered by the Court, ratio decidendi, and doctrinal consequences. This method permits the three decisions to be examined as a developing line of judicial interpretation rather than as isolated authorities.

Comparative legal analysis is used to identify similarities and differences in the treatment of intangible financial rights and territorial competence. The comparison is functional: the study compares how different legal systems address the same underlying legal problem rather than assuming that identical doctrinal terminology exists across jurisdictions. Particular attention is paid to the relationship between the legal nature of the asset and the connecting factor used to determine enforcement competence.

Finally, a synthetic doctrinal analysis integrates the results of statutory, case-law, and comparative examination. The synthesis is used to evaluate three competing localisation models: the institutional or financial-institution model, the debtor-centred model, and the legal-relationship model. The preferred interpretation is not selected merely because it appears in a foreign legal system, but because it must be capable of reconciliation with the wording of Article 24, the Ukrainian law of property, the reasoning of the Supreme Court, and the procedural constraints governing enforcement.

4. Results

4.1. Interpretation of Article 24 of the law of Ukraine "On Enforcement Proceedings"

Article 24 of the Law of Ukraine "On Enforcement Proceedings" constitutes the principal statutory basis for determining the place at which enforcement proceedings may be initiated and conducted. The provision is particularly important for the present study because its territorial criteria have historically been expressed through concepts such as the debtor's place of residence, place of stay, place of work, and the location of the debtor's property. The application of these criteria to intangible financial assets generated the judicial controversy examined in this article.

A temporal distinction is necessary because the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Concerning Improvement of the Procedure for Enforcement of Court Decisions, Decisions of Other Bodies and Digitalisation of Certain Stages of Enforcement Proceedings", No. 4833-IX, was adopted on 7 April 2026 and entered into force in stages. The amendments to the Law of Ukraine "On Enforcement Proceedings" relevant to the present study entered into force on 24 April

2026. They introduced more specific rules concerning funds held in bank and other financial accounts, electronic money, securities accounts, and the territorial competence of enforcement officers. The Supreme Court decisions examined in this study predate those amendments and must therefore be analysed according to the law applicable when they were rendered, while the amended framework should be used to assess the current legal position.³⁷

Following the amendments that entered into force on 24 April 2026, Article 24 continues to establish general territorial connecting factors based on the debtor's residence, stay, work, or location of property, while introducing more specific rules concerning financial assets. In particular, the amended framework provides specific treatment of funds held in bank and other financial accounts, funds held by non-bank payment service providers, electronic money held in electronic wallets, and securities accounts. For private enforcement officers, the amended Article 24 expressly excludes certain funds and electronic money of a resident debtor from the general "location of property" criterion, while allowing enforcement actions opened within the relevant enforcement district to be performed throughout the territory of Ukraine.³⁸

The same amendment also confirms that an enforcement officer may perform enforcement actions concerning income, funds held in bank or other financial accounts, electronic money, and securities accounts within the territory over which Ukrainian jurisdiction extends.³⁹ This development is particularly significant for the present study because it demonstrates that the legislative problem identified by the earlier Supreme Court jurisprudence has subsequently been addressed, at least in part, through statutory clarification.

A temporal distinction is necessary because the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Concerning Improvement of the Procedure for Enforcement of Court Decisions, Decisions of Other Bodies and Digitalisation of Certain Stages of Enforcement Proceedings"⁴⁰, No. 4833-IX, was adopted on 7 April 2026 and published on 23 April 2026. Under its final provisions, most of the Law enters into force six months after publication, while specifically identified provisions enter into force on 24 April 2026. Among the provisions taking effect on 24 April 2026 is subparagraph 5 of paragraph 10 of Section I, which amends part two of Article 24 of the Law of Ukraine "On Enforcement Proceedings". These amendments introduced more specific rules concerning the territorial treatment of funds held in bank and other financial accounts, electronic money, and securities accounts. The Supreme Court decisions examined in this study predate these amendments and must therefore be analysed according to the law applicable when they were rendered, while the amended framework should be used to assess the current legal position.

The pre-amendment version of Article 24 was less explicit concerning the territorial treatment of intangible financial assets. Its reference to the location of the debtor's property could readily be applied to tangible property, but its application to

³⁷ VERKHOVNA RADA OF UKRAINE. Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Concerning Improvement of the Procedure for Enforcement of Court Decisions, Decisions of Other Bodies and Digitalisation of Certain Stages of Enforcement Proceedings", No. 4833-IX of 7 April 2026. 2026. Available at: <https://zakon.rada.gov.ua/laws/show/4833-20> (accessed on 29 August 2026).

³⁸ VERKHOVNA RADA OF UKRAINE. Law of Ukraine "On Enforcement Proceedings". No. 1404-VIII of 2 June 2016. 2016. Ibid.

³⁹ VERKHOVNA RADA OF UKRAINE. Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Concerning Improvement of the Procedure for Enforcement of Court Decisions, Decisions of Other Bodies and Digitalisation of Certain Stages of Enforcement Proceedings", No. 4833-IX of 7 April 2026. 2026. Ibid.

⁴⁰ VERKHOVNA RADA OF UKRAINE. Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Concerning Improvement of the Procedure for Enforcement of Court Decisions, Decisions of Other Bodies and Digitalisation of Certain Stages of Enforcement Proceedings", No. 4833-IX of 7 April 2026. 2026. Ibid.

a bank-account balance raised the more difficult question of whether a monetary claim against a financial institution should be regarded as being geographically located at the institution's premises. The ambiguity created a tension between the literal geographical interpretation of "location of property" and the private-law character of a bank-account balance as an incorporeal monetary entitlement.

For the purposes of this study, the phrase "*place of enforcement*" should therefore be distinguished from "*territorial competence*" and from the jurisdiction of a court. The place of enforcement identifies the legally relevant territorial basis on which an enforcement document may be accepted and enforcement actions may be carried out. Territorial competence describes the statutory allocation of enforcement powers among competent enforcement authorities. Court jurisdiction, by contrast, concerns the competence of a judicial body to adjudicate a dispute or review an enforcement action. These concepts are interconnected, but they are not interchangeable.

The distinction is important because Article 24 primarily regulates the territorial operation of enforcement proceedings rather than the adjudicative jurisdiction of courts. The determination of the place of enforcement therefore concerns which enforcement authority may lawfully accept the enforcement document and exercise the relevant statutory powers. Judicial review of that decision is a separate procedural question. A failure to distinguish these institutions risks attributing to Article 24 a function that the provision does not itself perform.

The pre-2026 jurisprudence of the Supreme Court is important because it developed within this statutory uncertainty. The Court was required to determine whether the phrase "location of the debtor's property" could be applied to intangible monetary rights and, if so, what evidence was necessary to establish the relevant territorial connection. The decisions examined below consequently represent an important stage in the development of Ukrainian enforcement doctrine before the legislature introduced more specific statutory treatment of financial assets.

The first interpretative difficulty concerned the relationship between a bank account and the physical location of the financial institution maintaining that account. A bank account does not constitute a physical object situated at a branch in the same sense as movable or immovable property. The relevant financial entitlement arises from the legal relationship between the account holder and the financial institution. Accordingly, the physical location of the institution may constitute evidence of a legally relevant connection, but it cannot automatically be treated as identical to the legal location of the monetary claim.

The second difficulty concerned the evidence required to establish territorial competence. Where the creditor invokes the location of the debtor's property as the basis for initiating enforcement proceedings, the territorial connection must be supported by objective evidence. This requirement is particularly important where the alleged asset is intangible and therefore cannot be identified through physical inspection. The evidentiary question consequently forms an essential part of the legal question of localisation.

The third difficulty concerned the relationship between judicial interpretation and statutory amendment. Before 2026, the Supreme Court was required to clarify the application of general statutory language to a technologically and legally complex category of property. After the 7 April 2026 amendment, however, the legislature itself has introduced more specific provisions concerning financial accounts, electronic money, and securities accounts. The present legal position must therefore be analysed as an interaction between an earlier period of judicial doctrinal development and a subsequent phase of legislative clarification.

The current statutory development is particularly relevant to the central argument of this study. It demonstrates that judicial interpretation and legislative intervention should not be treated as mutually exclusive mechanisms. Judicial interpretation may clarify general statutory concepts when legislation does not

provide sufficient detail. Legislative amendment may subsequently codify, modify, or replace elements of the judicial solution when greater certainty is required. The 2026 amendment should consequently be understood as an important development in the legislative history of Article 24 and as a relevant qualification of conclusions derived exclusively from the pre-amendment jurisprudence.

The results of the case-law analysis therefore support a two-stage understanding of Article 24. The *first stage* concerns the pre-amendment judicial development of criteria for determining the territorial connection of intangible financial assets. The *second stage* concerns the legislative clarification introduced in 2026. This distinction allows the Supreme Court decisions to be assessed according to the law applicable when they were rendered while also demonstrating their continuing relevance for understanding why the legislature subsequently modified Article 24.

The central finding is that the former statutory framework could not adequately resolve the territorial localisation of intangible financial rights through physical-geographical reasoning alone. The Supreme Court therefore developed a more functionally oriented interpretation based on legally relevant connections between the debtor, the financial asset, and the competent enforcement authority. The amendments that entered into force in April 2026 substantially alter the statutory context in which the earlier cases must now be understood. They address several aspects of enforcement involving financial accounts, electronic money, and securities accounts that were previously governed primarily by general statutory criteria and judicial interpretation. The earlier jurisprudence therefore remains relevant as part of the historical development of Article 24, but it should not be presented as a complete statement of the current statutory regime.⁴¹

This finding also requires a qualification of the article's earlier formulation that legislative ambiguity remains the principal obstacle to determining the place of enforcement for financial assets. In light of the 2026 amendment, the more precise conclusion is that *the pre-amendment framework contained a significant localisation gap, which was addressed in part by subsequent legislative clarification*. Remaining questions should therefore concern the interpretation and practical application of the amended provision rather than treating the statutory framework as unchanged.

4.1.1 The normative function of Article 24

Article 24 performs both an organisational and a protective function within the enforcement system. Organisationally, it establishes the territorial circumstances under which enforcement proceedings may be initiated and the authority may exercise enforcement powers. Protectively, it restricts arbitrary selection of an enforcement forum by requiring the existence of a statutory territorial connection.

Under the pre-amendment framework, the protective function was particularly important because the expression "location of the debtor's property" did not expressly explain how intangible monetary rights should be localised. Judicial interpretation was therefore required to determine whether a sufficient legal connection existed between the financial asset and the proposed place of enforcement.

The 2026 amendment changes this situation by expressly addressing several categories of financial assets. This reduces the scope of interpretative uncertainty but does not eliminate the need for legal interpretation. The current provision still requires the application of concepts such as residence, stay, work, location of property, and territorial jurisdiction to concrete factual circumstances. It also requires coordination between the general territorial rules and the specific rules concerning bank accounts, electronic money, and securities accounts.⁴²

⁴¹ Ibid.

⁴² Ibid.

Article 24 should therefore be understood as a statutory framework rather than as a mechanical formula for determining territorial competence. Its connecting factors must be applied in conjunction with the legal character of the asset, the identity and status of the debtor, the type of enforcement authority involved, and the specific statutory provisions applicable to the asset concerned.

4.1.2 The legal category of the “place of enforcement”

The “place of enforcement” is a distinct procedural concept that determines the territorial basis on which enforcement powers may be exercised. It should not be equated with the physical location of the property or with the jurisdiction of the court that issued the enforceable decision.

This distinction becomes particularly important where the relevant asset is intangible. The current Article 24 itself confirms this distinction because it expressly addresses enforcement involving funds in financial accounts, electronic money, and securities accounts while simultaneously allowing enforcement actions concerning those assets within the territory subject to Ukrainian jurisdiction.⁴³

The place of enforcement should therefore be understood as the legally prescribed territorial connection between the enforcement proceeding and the competent enforcement authority. In relation to tangible property, that connection may normally correspond with the physical location of the asset. In relation to intangible financial rights, the connection may instead be determined by statutory rules concerning the debtor, the financial account, the enforcement authority, or the territorial scope of Ukrainian jurisdiction.

The concept consequently has both a *jurisdictional* and a *functional* dimension. It allocates enforcement competence, prevents arbitrary forum selection, and establishes the territorial boundary within which enforcement powers may lawfully be exercised. It should not, however, be interpreted as requiring every object of enforcement to have a physical situs equivalent to that of tangible property.

4.1.3 Competing interpretations of the location of the debtor’s property

Before the 2026 legislative amendment, three principal interpretations could be identified in relation to financial assets.

The first was a financial-institution approach, under which the location of the bank or branch maintaining the debtor’s account constituted the relevant territorial connection. Its principal advantage was administrative simplicity, because the financial institution provided an identifiable geographical point. Its weakness was that it could confuse the location of the service provider with the legal location of the debtor’s monetary claim.

The second was a debtor-centred approach, under which the debtor’s residence, stay, workplace, registered office, or another statutory personal connection provided the principal territorial link. This approach offered comparatively strong predictability but did not necessarily identify the territorial connection of the financial right itself.

The third was a legal-relationship approach, under which the relevant connection was established by examining the legal relationship between the debtor, the financial right, the financial institution, and the competent enforcement authority. This approach was particularly suited to intangible assets because it did not assume that an incorporeal monetary claim must possess a physical geographical location.

The Supreme Court jurisprudence examined below demonstrates the movement away from an exclusively geographical interpretation toward greater emphasis on legally relevant connections and objective evidence. The subsequent 2026 legislative amendment further modifies the analytical framework by expressly regulating certain

⁴³ Ibid.

categories of financial assets and by clarifying the territorial scope of enforcement actions concerning them.⁴⁴

The resulting legal position can therefore be stated more precisely: under the pre-amendment framework, the Supreme Court developed an interpretative solution to the localisation problem for intangible financial assets; under the current framework, the legislature has expressly regulated important categories of those assets, reducing but not eliminating the need for judicial interpretation.

This temporal distinction is essential for evaluating the three Supreme Court decisions. They remain important as evidence of the development of Ukrainian enforcement doctrine, but their legal conclusions must be presented as interpretations developed under the statutory framework applicable at the time of each decision, rather than as direct interpretations of the amended 2026 version of Article 24.

Critical correction to make throughout the manuscript: do not continue saying that Article 24 “has no legislation in force defining” the localisation of financial assets or that the Supreme Court is currently the primary mechanism for resolving this issue without qualification. The current official text expressly addresses several categories of financial assets, including bank funds, electronic money and securities accounts.

This amendment also means that our next case-law section should be particularly careful: we should analyse what each of the three Supreme Court decisions actually decided under the law then in force, rather than retroactively describing them as interpretations of the current Article 24. This is especially important for Reviewer 1's demand for factual and ratio decidendi analysis. The official/available case materials confirm, for example, that Case No. 925/791/21 was decided on 22 June 2023, while Case No. 924/90/22 was decided by the Joint Chamber of the Commercial Cassation Court on 18 August 2023.⁴⁵ Table 2 demonstrates that the interpretation of Article 24 should not be reduced to a choice between a literal and a non-literal approach.

Table 2. Interpretative approaches to determining the location of intangible financial assets under Article 24.

Interpretative approach	Principal question	Application to intangible financial assets	Strength	Principal limitation
Grammatical (literal)	What is the ordinary meaning of “location of the debtor’s property”?	Treats “location” primarily as a geographical characteristic of the property	Provides textual discipline and a clear starting point for interpretation	Difficult to apply where the asset is an incorporeal monetary right without a stable physical situs
Systematic	How should Article 24 be read together with other rules of Ukrainian private and enforcement law?	Connects the concept of “property” with property rights, monetary claims, banking relationships, and enforcement legislation	Prevents Article 24 from being interpreted in isolation	Requires reconciliation of several legal regimes and concepts
Teleological	What interpretation	Favors an interpretation that	Addresses the practical	May become overly flexible if

⁴⁴ VERKHOVNA RADA OF UKRAINE. Law of Ukraine “On Enforcement Proceedings”. No. 1404-VIII of 2 June 2016. 2016. Ibid.

⁴⁵ SUPREME COURT OF UKRAINE. *Judgment in Case No. 925/791/21 concerning the recovery of UAH 587,346,218.56*, 2023. Available at: https://iplex.com.ua/doc.php?d=5&red=100003a57eee63dd076051f15731b0aeaf7903®num=111739217&utm_source=chatgpt.com (accessed on 29 August 2026).

Interpretative approach	Principal question	Application to intangible financial assets	Strength	Principal limitation
	best fulfils the purpose of enforcement legislation?	permits effective enforcement while avoiding arbitrary territorial connections	objectives of enforcement and access to judicial protection	insufficiently constrained by the statutory text
Rights-oriented	Which interpretation best preserves procedural and constitutional guarantees?	Tests competing territorial connections against predictability, equality, proportionality, and effective judicial review	Limits arbitrary exercise of enforcement authority and protects both parties	Fundamental rights do not by themselves determine the territorial connecting factor
Judicial	How have competent courts interpreted the statutory concept in concrete cases?	Uses Supreme Court reasoning to clarify how Article 24 applies where the property is intangible	Promotes consistency and adapts general statutory concepts to concrete disputes	Judicial interpretation cannot legitimately replace legislation or create unrestricted new jurisdictional rules
Functional / legal-relationship	Which legally relevant relationship sufficiently connects the debtor, the financial right, and the enforcement authority?	Treats localisation as a legal connecting factor rather than requiring a physical situs of the financial asset	Most closely reflects the legal nature of incorporeal monetary rights and cross-border financial relations	Requires objective evidence and clear criteria to avoid uncertainty or forum shopping

Source: Developed by the authors using theoretical (doctrinal) interpretations of article 24 of the Law of Ukraine "On Enforcement Proceedings", and the analysis of previous decisions of the Supreme Court; and general principles of enforcement law.

Grammatical interpretation remains the necessary starting point because the statutory wording establishes the outer boundary of permissible interpretation. Its limitation becomes apparent, however, when the statutory expression "location of the debtor's property" is applied to an incorporeal monetary right that does not possess a stable physical location.

Systematic interpretation provides the necessary connection between Article 24 and the broader legal classification of property. Where a bank-account balance or another financial right constitutes a legally recognised monetary claim, the concept of "property" cannot automatically be confined to corporeal things. The systematic approach therefore enables Article 24 to be interpreted consistently with the relevant rules of private law, banking law, and enforcement law.

Teleological interpretation adds the perspective of the purpose of enforcement proceedings. The territorial criterion should facilitate the effective execution of judicial decisions without producing arbitrary or artificial connections between the financial right and the enforcement authority. The purpose of enforcement therefore supports a functional interpretation, but it does not authorise a court to disregard the statutory text.

The rights-oriented approach performs a limiting function. It requires the interpretation of Article 24 to remain compatible with procedural fairness, equality of the parties, proportionality, and effective judicial review. These standards are particularly important when the territorial connection determines which public authority may obtain financial information, attach funds, or otherwise interfere with the debtor's proprietary interests.

Judicial interpretation constitutes the mechanism through which these approaches are applied to concrete disputes. The Supreme Court's case law is therefore not presented as an autonomous source of territorial competence but as an interpretative instrument through which ambiguous statutory concepts are clarified. The analysis of Cases Nos. 260/1562/19 and 925/791/21 is particularly relevant in this regard because they demonstrate the evidentiary and institutional difficulties involved in connecting a bank-account relationship with a particular territory.

The final column of the analytical framework is the functional or legal-relationship approach. This approach does not deny the territorial character of enforcement. Rather, it recognises that, in relation to intangible financial rights, the relevant territory must be established through legally significant connections rather than through the physical location of an object. Such a connection may arise from the debtor's legally relevant relationship with the territory, the legal relationship underlying the financial claim, the statutory position of the financial institution, or another factor expressly recognised by applicable law.

The 2026 amendment of Article 24 further demonstrates the importance of distinguishing interpretation from legislation. The legislature has now introduced express rules concerning certain categories of financial assets, reducing the scope of the earlier localisation ambiguity. The interpretative approaches in Table 2 therefore remain relevant for understanding the development of the pre-amendment jurisprudence, but the current statutory framework must be applied to future cases according to its amended wording.

4.2 Judicial interpretation of Article 24: Development and limits of the Supreme Court's approach

The interpretation of Article 24 developed through disputes concerning the territorial competence of enforcement authorities before the legislature introduced more detailed statutory regulation of financial assets in 2026. The relevant judicial practice should therefore be understood historically. The Supreme Court decisions examined below did not interpret the amended 2026 version of Article 24; rather, they addressed the territorial consequences of the earlier statutory framework. Their significance lies in demonstrating how courts dealt with ambiguity in the localisation of the debtor's property and how procedural and evidentiary considerations influenced the determination of the place of enforcement.

Table 3. Judicial development of territorial and procedural standards under Article 24.

Case	Court and date	Principal issue	Relevance to the present study
No. 260/1562/19	Zakarpattia District Administrative Court, 23 April 2020	Whether the asserted existence of a card account in Kyiv established the location of the debtor's property and justified opening enforcement proceedings by a Kyiv private enforcement officer	Demonstrates the evidentiary requirement for establishing a genuine territorial connection and the limits of relying solely on the existence of a bank account
No. 925/791/21	Commercial Cassation Court	Whether the debtor's bank relationship and the legal location of the bank could	Demonstrates competing institutional and asset-localisation approaches

Case	Court and date	Principal issue	Relevance to the present study
	within the Supreme Court, 22 June 2023	establish the territorial competence of a Kyiv private enforcement officer	and the importance of the factual and legal evidence establishing territorial competence
No. 924/90/22	Joint Chamber of the Commercial Cassation Court within the Supreme Court, 18 August 2023	Procedural validity, suspension and continuation of enforcement proceedings following developments affecting the enforceability of the underlying judgment	Demonstrates procedural limits and judicial control of enforcement; it is not treated as a primary authority establishing a general localisation rule for financial assets

Source: Developed by the authors on the basis of the analysed judicial decisions.

4.2.1 Case No. 260/1562/19: Insufficient evidence of a territorial connection

Case No. 260/1562/19 was decided by the Zakarpattia District Administrative Court on 23 April 2020. The dispute concerned the opening of enforcement proceedings by a private enforcement officer whose enforcement district was Kyiv. The claimant challenged the enforcement officer's territorial competence, arguing that the debtor had no relevant connection with Kyiv and that enforcement should instead be conducted in Zakarpattia. The enforcement officer relied, among other circumstances, on the existence of a card account in Kyiv as evidence that the debtor's property was located within Kyiv.

The court rejected that argument because the existence of the card account did not, without further evidence, establish the actual location of the debtor's property in Kyiv. The court therefore concluded that the territorial connection relied upon by the enforcement officer had not been sufficiently demonstrated and cancelled the decision opening the enforcement proceedings.

The importance of the decision for the present study is primarily evidentiary. It demonstrates that the existence of a bank account cannot automatically be equated with the territorial location of the debtor's property. Where the creditor or enforcement officer relies upon an intangible financial asset as the basis for territorial competence, the relevant connection must be established through objective evidence capable of demonstrating why that asset should be treated as territorially connected with the relevant enforcement district.

The decision should not, however, be interpreted as establishing a general proposition that a bank account can never constitute a territorial connection. Its narrower significance lies in rejecting an unsupported assumption that the location of the financial institution or account, by itself, necessarily establishes the location of the debtor's property for the purposes of Article 24. In this respect, the decision provides an early illustration of the evidentiary problem that later judicial practice addressed in a more developed form.

The doctrinal significance of the case should be stated cautiously. The decision does not establish, on the material presently verified, a general rule that bank accounts can never be connected with the location of a financial institution. Rather, it demonstrates the evidentiary problem inherent in relying on the existence of a bank account as the territorial connecting factor. The legally relevant issue was whether the evidence established a sufficient connection between the debtor's property and the territory in which the private enforcement officer operated.

This distinction is important for the development of the present article's argument. An intangible monetary right cannot be treated as territorially connected to a jurisdiction solely because a party identifies a financial relationship with an institution operating there. The territorial connection must be established through legally

relevant evidence. The case therefore provides an early illustration of an *evidence-oriented approach* to Article 24: territorial competence requires more than a conclusory assertion concerning the existence of financial assets in a particular territory.

The case should not, however, be presented as establishing the complete relationship-based model developed later in the article. Its significance is narrower. It establishes that the territorial criterion must be supported by evidence capable of demonstrating the relevant connection. The distinction between the financial institution's physical presence and the legal location of the debtor's monetary right requires more developed analysis in the subsequent cases.

4.2.2 Case No. 925/791/21: The bank's location and the territorial basis of enforcement

The Supreme Court's decision in Case No. 925/791/21, dated 22 June 2023, provides a substantially more detailed examination of the relationship between a debtor's bank account and the territorial competence of a private enforcement officer. The case concerned a dispute between LLC "Gas Supply Company 'Naftogaz Trading'" and LLC "Cherkasigas Zbut" concerning the enforcement of a settlement agreement. The underlying debt had arisen from the supply of natural gas and was originally claimed in the amount of UAH 587,346,218.56. After the debtor failed to comply properly with the agreed payment schedule, the creditor applied for enforcement through a private enforcement officer operating in Kyiv.

The debtor challenged the opening of enforcement proceedings, arguing that both its registered and actual location and the location of its property were in Cherkasy and that no relevant property existed within Kyiv. In particular, the debtor argued that the bank account relied upon by the creditor was maintained through the Cherkasy regional branch of Oschadbank and therefore did not establish a sufficient connection with Kyiv.

The first-instance court accepted the debtor's position and held that the private enforcement officer had not demonstrated the existence of the debtor's property within Kyiv. The appellate court reached the opposite conclusion. It reasoned that Oschadbank was a legal entity registered in Kyiv and that the debtor maintained an account with that bank. On that basis, the appellate court considered the location of the bank as a sufficient territorial connection for the purposes of opening enforcement proceedings.

The Supreme Court's review must be understood in the context of the applicable version of Article 24. The Court emphasised that a private enforcement officer could accept an enforcement document where the debtor's residence, stay, registered location, or property was situated within the relevant enforcement district. The Court also recognised that an enforcement officer may carry out enforcement actions involving funds held in bank accounts throughout the territory covered by Ukrainian jurisdiction.

The case is important because it demonstrates that the legal question cannot be reduced to the physical location of the bank branch. The lower courts adopted competing interpretations of the bank relationship. The first-instance court focused on the branch through which the account was opened and on the absence of property demonstrably located in Kyiv. The appellate court instead focused on the status of Oschadbank as a legal entity registered in Kyiv and treated that connection as sufficient for territorial competence.

For purposes of this article, the case should therefore be analysed not as a simple confirmation that "jurisdiction follows the bank", but as an illustration of the tension between *institutional localisation* and *legally relevant localisation of the underlying monetary right*. The dispute demonstrates why the physical location of a banking

branch and the legal location of the institution itself cannot automatically be treated as synonymous with the territorial location of the debtor's financial property.

The evidentiary dimension is equally important. The case demonstrates that the creditor must provide sufficiently concrete information capable of establishing the territorial basis relied upon for opening enforcement. The case therefore connects the substantive localisation problem with the procedural question of proof. In disputes involving intangible property, evidence may become a decisive component of territorial competence because the asset cannot be localised through physical inspection.

The case consequently supports a more precise proposition than the one currently appearing in the manuscript: *the existence of a bank account may constitute a legally relevant circumstance for determining the place of enforcement, but its territorial significance depends on the statutory framework and the factual and legal evidence establishing the connection between the debtor, the bank, the account, and the competent enforcement authority.*

4.2.3 Case No. 924/90/22: The limits of using the case as an authority on financial-asset localisation

Case No. 924/90/22 was decided by the Joint Chamber of the Commercial Cassation Court within the Supreme Court on 18 August 2023. The official decision confirms that the case involved a complaint against actions of a state enforcement officer and issues concerning the initiation and continuation of enforcement proceedings. The case also concerned enforcement documents issued on the basis of a judgment that was subsequently subject to appellate review.

The Supreme Court addressed, among other matters, the legal consequences of issuing and enforcing a document before the underlying judgment had become final, the circumstances requiring suspension of enforcement proceedings, and the legal effect of subsequent appellate review. The Court held that where an enforcement officer had opened proceedings in accordance with the information and formal requirements applicable at the relevant time, and the circumstances requiring suspension subsequently arose because an appellate proceeding had been accepted, the appropriate procedural consequence was suspension rather than automatic annulment of the decision opening enforcement.

The decision is therefore relevant to this article principally for its treatment of the *procedural framework and judicial control of enforcement*, rather than as direct authority concerning the localisation of intangible financial assets. The current manuscript should not describe Case No. 924/90/22 as establishing a general rule that the "location of the debtor's property" is an independent legal concept for financial assets unless a separate authoritative source establishes that proposition. The official decision located and verified does not support that characterization.

Nevertheless, the case remains potentially useful for the article because it illustrates the importance of procedural legality and judicial review in enforcement proceedings. The Supreme Court emphasised the statutory duties of enforcement officers, the mandatory character of enforcement documents, and the consequences of later procedural developments affecting the enforceability of the underlying judgment. The Court also referred to the constitutional importance of executing judicial decisions as an element of judicial protection.

Its appropriate doctrinal role is therefore complementary. Whereas Cases Nos. 260/1562/19 and 925/791/21 provide material for examining the territorial connection between enforcement and financial property, Case No. 924/90/22 contributes to the procedural dimension of the framework by showing that territorial competence and enforcement validity operate within a broader system of judicial supervision and procedural legality.

4.2.4 Doctrinal synthesis of the three decisions

The three decisions do not constitute a homogeneous body of Supreme Court precedent. Rather, they represent a sequence of judicial materials addressing different aspects of territorial and procedural competence under Article 24. Case No. 260/1562/19 provides an important first-instance illustration of the evidentiary difficulty associated with using a bank account to establish the location of the debtor's property. Case No. 925/791/21 develops the territorial analysis at the Supreme Court level by examining the significance of the debtor's bank relationship and the legal status and location of the financial institution. Case No. 924/90/22 contributes primarily to the procedural dimension by clarifying the consequences of subsequent procedural developments for the validity and continuation of enforcement proceedings.

Taken together, the decisions support a cautious doctrinal conclusion. The judicial development did not simply replace geographical territoriality with an unrestricted legal-relationship model. Rather, it demonstrates increasing attention to the legal significance of the underlying financial relationship and to the objective evidence required to establish territorial competence.

The first dimension concerns the *territorial connection between the debtor's property and the enforcement authority*. Case No. 260/1562/19 demonstrates the inadequacy of unsupported assertions concerning the location of a bank-related asset. Case No. 925/791/21 demonstrates the competing interpretations that can arise when the debtor's account is maintained through a bank whose legal registration and branch infrastructure are situated in different places. These cases therefore expose the central localisation problem addressed by Article 24.

The second dimension concerns *procedural control over enforcement authority*. Case No. 924/90/22 demonstrates that the determination and exercise of enforcement competence must be understood within the broader procedural framework governing the validity, suspension, and continuation of enforcement proceedings.

Taken together, the cases support a more cautious doctrinal proposition than the earlier version of the article. The Supreme Court did not simply replace a geographical model with an unlimited relationship-based model. Rather, the jurisprudence demonstrates a gradual movement toward greater attention to *legally relevant connections and objective evidence*, while preserving the statutory framework governing the territorial competence of enforcement authorities.

This distinction is particularly important after the 2026 legislative amendment to Article 24. The amendment confirms that the legislature has now expressly regulated several categories of financial assets. Consequently, the historical case law should be understood as part of the doctrinal development that preceded legislative clarification, while future interpretation must account for the current statutory text rather than treating the pre-amendment judicial framework as exhaustive.

The principal result of the case-law analysis is therefore that *territorial competence in enforcement proceedings involving intangible financial rights requires identification of a legally recognised and objectively supportable territorial connection; however, the specific connecting factor depends on the statutory regime applicable at the relevant time*. This conclusion preserves the importance of judicial interpretation without treating judicial decisions as a substitute for legislative regulation.

4.3 Comparative standards for determining the place of enforcement

The comparative analysis demonstrates that the territorial treatment of intangible financial rights cannot be explained through a single universal localisation rule. The legal systems examined in this study employ different mechanisms for

connecting an intangible monetary right with a particular enforcement forum. The differences concern not only the geographical location of the debtor or financial institution, but also the legal character of the claim, the procedural relationship between the creditor and the third-party debtor, and the statutory mechanisms through which enforcement may be effected.

The comparison is therefore functional rather than taxonomic. Germany and England and Wales were selected because they illustrate materially different doctrinal approaches within two major legal traditions, while European Union law provides a specific supranational framework for cross-border preservation of bank funds. Ukraine remains the principal jurisdiction, and the foreign approaches are used to test whether the interpretative model developed by the Ukrainian Supreme Court is consistent with broader comparative tendencies.

4.3.1 Comparative law as a method of statutory interpretation

Comparative law cannot, by itself, determine the meaning of Article 24. Rules developed within another legal system do not automatically become part of Ukrainian law and should not be transplanted without regard to differences in legal structure, terminology, institutional competence, and procedural context. The value of comparison lies instead in identifying alternative solutions to a common legal problem and in testing the coherence of the domestic interpretation against those solutions.

The approach associated with René David and John E. C. Brierley emphasises the importance of comparing legal systems through their underlying structures and traditions rather than treating isolated rules as universally transferable (David & Brierley, 1985). Applying this perspective to the present problem requires attention to the legal nature of the asset, the territorial connecting factor, the role of the financial institution, and the procedural mechanism through which the asset is reached.

The German approach illustrates the importance of treating the monetary claim itself as the object of enforcement. Under the German Code of Civil Procedure, attachment of a monetary claim operates through the relationship between the creditor, the debtor, and the third-party debtor. The bank is therefore relevant because of its legal status as the debtor of the monetary claim rather than merely because it occupies a particular physical location. This approach demonstrates that an intangible financial right can be subjected to enforcement without first being transformed into a physically situated object.

The English approach demonstrates a different but related conceptual development. The jurisprudence concerning the situs of debts requires consideration of where an intangible obligation is legally situated and can be enforced. The decision in *Taurus Petroleum Ltd v State Oil Marketing Co. of the Ministry of Oil, Republic of Iraq* illustrates the proposition that the situs of an intangible debt may depend upon the legal structure of the obligation and the place where the debt is legally recoverable. The case therefore confirms the broader comparative proposition that the localisation of an intangible right is a legal question rather than a purely physical one.

European Union law provides a more expressly statutory solution in the context of cross-border account preservation. Regulation (EU) No. 655/2014 establishes a European Account Preservation Order procedure and links the preservation mechanism to the Member State in which the relevant bank account is maintained. The significance of this framework for the present study lies not in its direct applicability to Ukrainian enforcement proceedings, but in demonstrating that legislation may expressly create a territorial connecting factor for financial accounts where a specific cross-border enforcement mechanism is required.

The comparative evidence therefore supports a limited but important conclusion. The geographical location of financial infrastructure may be legally relevant, but it is

not inherently identical to the legal location of the financial right. The legal system must determine which relationship or circumstance has sufficient normative significance to establish territorial competence.

4.3.2 Competing models relevant to Ukrainian law

The comparison identifies three broad models that can be used to conceptualise the territorial treatment of intangible financial assets (Table 4).

Table 4. Comparative models for localising intangible financial assets.

Analytical criterion	Ukraine	Germany	England and Wales	European Union framework
Legal nature of the object	Intangible financial rights, including monetary claims and funds held in financial accounts	Monetary claims capable of attachment as claims against a third-party debtor	Intangible debts and contractual monetary claims	Funds held in bank accounts within the scope of Regulation (EU) No. 655/2014
Primary territorial connection	Statutory territorial criteria, increasingly supplemented by specific rules for financial assets	Enforcement of the monetary claim through the debtor–third-party debtor relationship	Legal situs of the debt and the place where the obligation is legally enforceable	Member State in which the relevant bank account is maintained for the specific preservation procedure
Role of financial institution	Relevant where recognised by the applicable statutory or judicial framework, but not necessarily decisive solely because of physical location	Bank functions principally as third-party debtor in relation to the attached claim	Relevant to determining the legal situs and enforceability of the debt in particular cases	Bank maintaining the account is directly involved in implementing the preservation order
Role of debtor's location	Important statutory connecting factor, particularly under the general territorial framework	Relevant to the general enforcement framework but does not physically localise the monetary claim	Relevant depending on the procedural mechanism, but not necessarily decisive for situs of the debt	May determine whether the case falls within the cross-border framework
Treatment of intangible localisation	Increasingly based on legally relevant and objectively supportable connections; current legislation contains more specific financial-asset rules	Claim-oriented and procedural rather than dependent on physical location of money	Situs derived from the legal character and enforceability of the debt	Express statutory localisation for the specific cross-border procedure
Principal doctrinal model	Developing functional/legal-relationship model within statutory limits	Claim-based/institutional procedural model	Legal-situs model	Statutorily defined cross-border model
Main safeguard	Statutory territorial competence, evidentiary	Procedural attachment and third-party debtor mechanism	Judicial determination of situs and	Harmonised procedural requirements

Analytical criterion	Ukraine	Germany	England and Wales	European Union framework
	requirements, and judicial review		territorial competence	and judicial oversight

Source: Developed by the authors on the basis of Ukrainian legislation and Supreme Court jurisprudence, German enforcement law, English case law concerning the situs of intangible debts, and Regulation (EU) No. 655/2014.

The first is the *institutional localisation model*. Under this model, the territorial connection is derived primarily from the location of the financial institution or another legally designated institution administering the relevant asset. Its principal advantage is practical clarity. The institution provides an identifiable point through which enforcement can be implemented. Its principal weakness is that the institutional location may be only indirectly related to the legal right being enforced, particularly where financial services are administered through centralised or electronic systems.

The second is the *debtor-centred model*. Under this model, the principal connection is the debtor's residence, domicile, registered office, or another legally recognised personal connection. The model has significant advantages in predictability and administrative simplicity. It can also reduce disputes concerning the geographical position of intangible assets. However, the debtor's location does not necessarily explain the legal structure of a monetary claim owed by a third party and may therefore be insufficient where the statutory scheme expressly attaches importance to the asset itself.

The third is the *legal-relationship model*. This model identifies the relevant territorial connection by examining the legal relationship among the debtor, the intangible financial right, the financial institution or third-party debtor, and the competent enforcement authority. It does not require the financial asset to have a fixed physical situs. Instead, it treats localisation as a legal connecting question. This model is particularly suited to bank-account balances and similar monetary rights because it corresponds with their incorporeal character.

The Ukrainian Supreme Court jurisprudence reviewed above is most consistent with elements of the third model, although the pre-2026 case law did not establish an unrestricted or self-standing legal-relationship test. Case No. 260/1562/19 demonstrates the insufficiency of unsupported claims concerning the territorial location of a bank-related asset. Case No. 925/791/21 demonstrates the difficulty of determining whether the location or legal status of a bank can establish territorial competence. Case No. 924/90/22 contributes primarily to the procedural dimension by demonstrating the importance of judicial control over enforcement proceedings. The cases therefore support a cautious functional interpretation rather than an absolute abandonment of territorial criteria.

The 2026 amendment to Article 24 must also be incorporated into this comparative conclusion. The legislature has now expressly regulated several categories of financial assets and has introduced specific territorial rules concerning funds in bank and other financial accounts, electronic money, and securities accounts. The amendment reduces the scope for judicial development of general localisation criteria because several matters that were previously dependent upon interpretation have now received express statutory treatment.

The comparative analysis accordingly produces two principal findings. First, the legal localisation of intangible financial rights should not be equated automatically with the physical location of the institution through which the right is administered. Secondly, the most convincing territorial model is one that combines legally defined connecting factors with objective evidentiary requirements and procedural

safeguards. In this respect, the Ukrainian approach can be understood as developing toward a functional model while increasingly relying on legislative specification.

The comparison does not support direct transplantation of German, English, or European Union rules into Ukrainian law. Rather, it confirms the analytical proposition that the localisation of an intangible financial right is inherently a legal construct. The decisive issue is therefore which territorial connection Ukrainian law recognises as sufficient and how that connection can be objectively established.

This finding also clarifies the relationship between the private-law classification of financial assets and enforcement jurisdiction. Once a bank-account balance is understood as an incorporeal monetary claim rather than a physical object, the territorial analysis must focus on the legal circumstances connecting that claim to the enforcement system. The nature of those circumstances is ultimately determined by Ukrainian legislation as interpreted by the competent courts.

The comparative evidence therefore supports a narrowly formulated doctrinal conclusion: *for intangible financial assets, territorial competence should be determined through legally recognised and objectively verifiable connecting factors, rather than through an assumption that the financial asset must possess a fixed geographical situs.* The precise connecting factor, however, must derive from the applicable statutory framework.

Table 5 synthesises the principal doctrinal problems identified in the study and distinguishes them from the legislative implications that follow from the analysis.

Table 5. Doctrinal findings and proposed legislative clarifications concerning Article 24.

Identified issue	Finding of the doctrinal and case-law analysis	Legislative implication
Unclear scope of financial assets	The pre-amendment framework did not expressly specify how bank funds and other intangible monetary rights should be treated for territorial purposes	Maintain and, where necessary, further clarify the categories of financial assets covered by Article 24, using terminology consistent with Ukrainian private and financial law
Uncertainty concerning localisation	The physical location of a bank or branch cannot automatically be equated with the legal location of the debtor's intangible monetary right	Specify the legally relevant territorial connecting factors applicable to different categories of financial assets
Insufficiently defined evidentiary basis	The case law demonstrates that a party relying on the location of financial property must establish the relevant territorial connection through objective evidence	Define, where appropriate, the minimum documentary or evidentiary requirements for establishing the territorial connection relied upon in enforcement proceedings
Interaction between general and specific territorial rules	General rules on the debtor's residence and property location must be distinguished from special rules governing bank accounts, electronic money, and securities accounts	Ensure systematic coordination between the general territorial provisions of Article 24 and the specific rules applicable to particular financial assets
Judicial interpretation and legislative certainty	Supreme Court jurisprudence reduced uncertainty under the pre-amendment framework but could not permanently substitute for legislative clarification	Preserve the interpretative value of established Supreme Court reasoning while providing sufficiently precise statutory rules for future cases
Emerging digital financial instruments	Digital assets, virtual currencies, and tokenised property rights were outside the substantive scope of this study and were not	Do not treat the present study as a basis for immediate regulation of digital assets; instead, identify their localisation and enforcement as a

Identified issue	Finding of the doctrinal and case-law analysis	Legislative implication
	subjected to independent doctrinal analysis	separate subject for future legislative and doctrinal research
Procedural safeguards	Territorial competence directly affects the lawful exercise of enforcement authority and the parties' access to procedural review	Preserve effective judicial review, procedural equality, and safeguards against arbitrary selection or exercise of enforcement competence

Source: Developed by the authors on the basis of the analysis of Article 24 of the Law of Ukraine "On Enforcement Proceedings", relevant Supreme Court jurisprudence, the comparative legal analysis undertaken in this study, and the statutory amendments adopted in 2026.

The results indicate that the principal difficulty under the pre-amendment version of Article 24 arose from the application of geographically framed statutory concepts to intangible financial rights. The Supreme Court's case law contributed to reducing that uncertainty by requiring legally relevant territorial connections to be supported by objective circumstances and by clarifying the procedural framework within which enforcement competence is exercised.

The legislative position has subsequently developed through the amendment of Article 24 in 2026. The amended provision expressly addresses several categories of financial assets, including funds held in bank and other financial accounts, electronic money, and securities accounts. The legislative development therefore changes the character of the remaining problem. The issue is no longer simply the absence of any statutory treatment of financial assets, but the coherent interpretation and practical application of the general and special territorial rules now contained in Article 24.

The findings accordingly support further legislative clarification only where genuine uncertainty remains. Such clarification should be directed toward the coherence of statutory terminology, the relationship between general and special territorial rules, and the evidentiary requirements necessary to establish the legally relevant territorial connection. The objective should be to reduce unnecessary jurisdictional disputes while preserving the distinction between legislative regulation and judicial interpretation.

With respect to digital assets, the study deliberately does not formulate a substantive legislative model. Digital assets, virtual currencies, and tokenised property rights were excluded from the substantive scope of the analysis because their legal classification, ownership structures, and enforcement mechanisms require a separate doctrinal examination. They should therefore be identified as a field for future research rather than presented as a direct legislative conclusion of the present study.

5. Discussion

The findings demonstrate that determining the place of enforcement in proceedings involving intangible financial assets is not simply a question of identifying the physical location of money or the premises of a financial institution. The problem is fundamentally connected with the legal nature of the asset, the interpretation of Article 24, the evidence required to establish territorial competence, and the procedural limits governing the exercise of enforcement authority. The analysis also reveals two stages in the development of Ukrainian law: pre-amendment judicial clarification of the territorial treatment of intangible financial rights and subsequent legislative clarification through the amendments to Article 24 that entered into force

in April 2026.⁴⁶

5.1 Legal characterisation of intangible financial assets and territorial competence

The first research question concerned how bank-account balances and other relevant intangible financial rights should be characterised for the purposes of determining the location of the debtor's property. The analysis indicates that the decisive distinction is between a tangible object and an incorporeal monetary right. Physical money is capable of physical possession and geographical localisation. A bank-account balance, by contrast, represents an economic entitlement arising from the legal relationship between the account holder and the financial institution. The object potentially subject to enforcement is therefore not necessarily a quantity of physically situated money but a legally recognised monetary claim.

This distinction has direct consequences for Article 24. The phrase "location of the debtor's property" cannot automatically be interpreted as requiring every form of property to possess a physical situs. For intangible financial rights, territorial localisation must instead be derived from legally relevant connecting factors recognised by the applicable legal framework. The physical location of a bank or branch may constitute a relevant circumstance, but it should not automatically be equated with the legal location of the underlying monetary right.

The historical development of Ukrainian private law reinforces this conclusion. The Soviet conception of property was structured primarily around socialist ownership, with state, cooperative-collective and other forms of socialist property occupying the central position, while personal ownership was comparatively restricted and generally directed toward satisfying citizens' material and cultural needs. The Civil Code of the Ukrainian SSR of 1963 reflected this structure and was embedded in a planned socialist economic order.⁴⁷

The post-Soviet transformation of Ukrainian private law progressively moved away from this ownership-centred model toward a broader conception of private property and civil-law rights. This development was consolidated by the Civil Code of Ukraine of 2003, which defines property as including not only individual things and aggregates of things but also property rights and obligations, while Article 177 recognises a broad range of material and intangible objects of civil rights, including money, securities and property rights.⁴⁸ This evolution is doctrinally important for the present study because the modern Ukrainian concept of property is sufficiently broad to accommodate economically valuable incorporeal rights and monetary claims without requiring them to possess the physical characteristics of a thing.

The comparative findings reinforce this position. German enforcement law treats a monetary claim as an object capable of attachment through the relationship between the creditor, debtor and third-party debtor. English law similarly demonstrates that the situs of an intangible debt is a legal construct connected with the underlying obligation and its enforceability. The European Union framework further demonstrates that legislation may expressly establish a territorial connecting factor for bank accounts in a particular procedural context.

The principal implication is therefore that the classification of the financial asset should precede the territorial analysis. Once an account balance is understood as an

⁴⁶ VERKHOVNA RADA OF UKRAINE. Law of Ukraine "On Enforcement Proceedings". No. 1404-VIII of 2 June 2016. 2016. Ibid.

⁴⁷ HONCHARENKO, V. "Law of Ukrainian SSR during destalinization (1956-1965)". *Law of Ukraine*, v. 1, 2013, pp. 336-341. Available at: <https://dspace.nlu.edu.ua/server/api/core/bitstreams/435db018-d06b-4ba3-94cd-37555588a246/content> (accessed on 29 August 2026).

⁴⁸ VERKHOVNA RADA OF UKRAINE. Law of Ukraine "On Enforcement Proceedings". No. 1404-VIII of 2 June 2016. 2016. Ibid.

incorporeal monetary entitlement, the relevant question becomes which legally recognised connection sufficiently links the right, the debtor and the competent enforcement authority.

5.2 Judicial interpretation of Article 24 and its limits

The second research question concerned the development and limits of judicial interpretation of Article 24. The analysis shows that judicial interpretation was particularly important under the pre-2026 framework because the legislation did not provide sufficiently detailed rules for every category of intangible financial asset. The relevant judicial decisions demonstrate increasing attention to legally significant territorial connections and to the evidence required to establish them.

Case No. 260/1562/19 illustrates the evidentiary dimension of the problem. The existence of a bank-related financial relationship was not, without sufficient supporting evidence, treated as automatically establishing the territorial location of the debtor's property. Case No. 925/791/21 demonstrates the difficulty of determining the territorial significance of the debtor's bank relationship and the location and legal status of the financial institution. Case No. 924/90/22 contributes primarily to the procedural dimension by demonstrating the importance of judicial control over the initiation and continuation of enforcement proceedings. These decisions therefore should not be presented as establishing one unrestricted judicial formula. Rather, they demonstrate the progressive clarification of the statutory framework through concrete disputes.

The boundary between judicial interpretation and judicial law-making is particularly important. Courts may clarify how the statutory concept of property applies to incorporeal monetary rights where such interpretation is supported by the wording of Article 24, the Ukrainian law of property, the purposes of enforcement proceedings and general procedural principles. Courts should not, however, create entirely new territorial connecting factors without an adequate legislative basis. The 2026 legislative amendments reinforce this distinction because several issues that previously required judicial clarification now have more specific statutory treatment.

Legal certainty and procedural safeguards. Territorial competence must remain sufficiently predictable for creditors, debtors and enforcement authorities. The relevant connecting factor should therefore be capable of objective verification and should not depend on an artificial or strategically selected relationship with a financial institution. At the same time, territorial rules must preserve the creditor's ability to obtain effective execution while preventing arbitrary exercise of public enforcement powers. Proportionality, procedural equality and effective judicial review operate as constraints on the application of the statutory connecting factor rather than as independent sources of territorial competence.⁴⁹

The resulting doctrinal position is therefore a qualified legal-relationship approach. For intangible financial rights, the territorial connection should be established through legally recognised and objectively verifiable circumstances, while the precise connecting factor must derive from the statutory framework applicable to the particular category of asset.

5.3 Comparative implications for Ukrainian enforcement law

The third research question concerned whether the selected comparative approaches support, challenge or modify the framework developed in Ukrainian law. The comparison demonstrates that there is no universal model for localising intangible financial rights. Germany emphasises the monetary claim and the procedural relationship with the third-party debtor; English law illustrates the

⁴⁹ VERKHOVNA RADA OF UKRAINE. Law of Ukraine "On Enforcement Proceedings". No. 1404-VIII of 2 June 2016. 2016. Ibid.

importance of the legal situs of an intangible debt; and EU law demonstrates the possibility of establishing an express statutory connecting factor for bank accounts within a specific cross-border procedure.

These approaches do not justify direct transplantation of foreign rules into Ukrainian law. Their significance is functional. They demonstrate that the localisation of intangible financial rights is fundamentally a legal construct and that different legal systems combine asset-related, debtor-related, institutional and procedural connecting factors in different ways. The comparative evidence therefore supports the Ukrainian movement toward legally relevant and objectively verifiable territorial connections while confirming the need for statutory precision.

Legislative implications. The amendments to Article 24 that entered into force in April 2026 have already addressed several aspects of enforcement involving bank accounts, electronic money and securities accounts. The remaining legislative task is therefore not to create an entirely new framework but to ensure coherence between general and asset-specific territorial rules and to clarify residual questions concerning connecting factors and evidentiary requirements. Judicial reasoning should remain an important interpretative source without being treated as a substitute for legislation.

Limitations and recommendations. The study is doctrinal and comparative and does not empirically measure the efficiency, duration or cost of enforcement proceedings. Its comparative scope is deliberately limited to Ukraine, Germany, England and Wales, together with the relevant European Union framework. The case-law analysis also concerns a limited selection of judicial decisions. Digital assets, virtual currencies and tokenised property rights are outside the substantive scope and require separate future research. Future research should therefore examine post-amendment Ukrainian case law to determine whether the revised Article 24 reduces territorial disputes and how courts interpret the interaction between general and asset-specific connecting factors.

Overall, the comparative and doctrinal findings support a model in which territorial competence is established through statutory criteria, legally relevant connections, objective evidence and judicial oversight. Such a model preserves the territorial structure of enforcement law while recognising that intangible financial rights cannot always be localised through the criteria applicable to tangible property.

6. Conclusions

This study examined the determination of the place of enforcement where the debtor's property consists of intangible financial assets, with particular attention to Article 24 of the Law of Ukraine "On Enforcement Proceedings", the relevant Supreme Court jurisprudence, and selected comparative approaches.

The analysis demonstrates that the territorial treatment of financial assets cannot be explained exclusively through the physical location of an object. A bank-account balance and other monetary rights relevant to the present study are legally different from physical money because their existence derives from a legal relationship between the account holder and the financial institution. The determination of their territorial connection must therefore take account of their legal character rather than assume that they possess a physical situs equivalent to that of tangible property.

The study further establishes that the concept of the "place of enforcement" should be distinguished from territorial competence and from the jurisdiction of a court. The place of enforcement concerns the statutory territorial basis for the exercise of enforcement powers, whereas court jurisdiction concerns the adjudicative authority of a judicial body. Maintaining this distinction improves the doctrinal precision of the analysis and avoids treating different procedural institutions as interchangeable.

The examination of the pre-2026 Supreme Court jurisprudence demonstrates that judicial interpretation played an important role in addressing uncertainty

concerning the application of Article 24 to intangible financial assets. Case No. 260/1562/19 illustrates the importance of objective evidence supporting the asserted territorial connection. Case No. 925/791/21 demonstrates the difficulty of determining the significance of the debtor's bank relationship, the status of the financial institution, and the location of the relevant banking infrastructure. Case No. 924/90/22 contributes primarily to the procedural dimension of the analysis by demonstrating the importance of judicial control over the initiation and continuation of enforcement proceedings.

These decisions should not, however, be characterised as establishing an unrestricted judicial doctrine that completely replaces geographical territoriality with a general legal-relationship test. Their doctrinal significance is more precisely understood as demonstrating the movement toward legally relevant and objectively supportable territorial connections where traditional geographical criteria are insufficient to describe intangible financial rights.

The comparative analysis confirms that no universally applicable model exists for localising intangible financial assets. German law illustrates a claim-oriented procedural model in which a monetary claim may be attached through the relationship involving the third-party debtor. English law demonstrates the importance of the legal situs of an intangible debt. European Union legislation concerning cross-border preservation of bank accounts illustrates the alternative possibility of defining the relevant territorial connection expressly by legislation. These approaches differ institutionally, but they support the broader proposition that the legal localisation of an intangible right is a normative construct rather than a purely physical characteristic.

The principal doctrinal contribution of the study is therefore the integration of three analytical levels: the private-law characterisation of the financial asset, the interpretation of Article 24, and the comparative analysis of territorial connecting factors. This integrated approach explains why the question of localisation cannot be resolved at the level of enforcement procedure alone. The territorial issue depends first upon understanding what type of legal object is being enforced and then upon determining which statutory connection is legally sufficient to establish enforcement competence.

The legislative context has also changed during the development of this study. Law of Ukraine No. 4833-IX was adopted on 7 April 2026, and the amendments to the enforcement legislation relevant to this study entered into force on 24 April 2026. Those amendments introduced more specific provisions concerning financial accounts, electronic money, and securities accounts. Consequently, the current legal framework should no longer be characterised simply as lacking statutory regulation of intangible financial assets. The more accurate conclusion is that the pre-amendment framework generated significant interpretative questions that were addressed partly through Supreme Court jurisprudence and subsequently supplemented by legislative clarification.

The 2026 amendment does not eliminate the relevance of the earlier Supreme Court jurisprudence. Those decisions remain important for understanding the historical development of Article 24, the evidentiary requirements associated with territorial competence, and the distinction between judicial interpretation and judicial law-making. At the same time, future cases must be assessed against the amended statutory text rather than through automatic reliance upon pre-amendment formulations.

The study therefore supports a qualified legal-relationship approach. For intangible financial rights, territorial competence should be based upon legally recognised connecting factors that are objectively verifiable and capable of supporting judicial review. The precise connecting factor must, however, derive from the statutory framework applicable to the particular category of asset and from the procedural rules governing the relevant enforcement authority.

Several implications follow. Ukrainian enforcement law should maintain clear coordination between general territorial rules and the specific rules applicable to financial assets. Judicial decisions should identify the factual circumstances establishing the territorial connection and distinguish those circumstances from the legal rule derived from them. Where residual uncertainty remains, legislative clarification should focus on the definition and coordination of connecting factors and on evidentiary requirements rather than attempting to convert judicial reasoning wholesale into statutory text.

The study is subject to limitations. It is doctrinal and comparative rather than empirical and therefore does not measure the practical efficiency of enforcement proceedings. The comparative analysis is limited to Ukraine, Germany, England and Wales, together with the relevant European Union framework. The case-law analysis focuses on a limited group of Supreme Court decisions, selected for their relevance to the territorial problem examined. Finally, digital assets, virtual currencies and tokenised property rights were not analysed substantively and therefore remain subjects for separate future research.

Future research should examine the judicial application of the amended Article 24 after sufficient post-amendment case law becomes available. Particular attention should be paid to whether the new statutory provisions reduce territorial disputes in practice, how courts interpret the interaction between general and asset-specific connecting factors, and what evidentiary requirements emerge in relation to bank accounts, electronic money, and securities accounts.

In conclusion, the determination of the place of enforcement involving intangible financial assets requires a legal rather than purely geographical conception of localisation. The Ukrainian experience demonstrates the interaction of private-law classification, statutory interpretation, judicial reasoning, comparative legal developments, and subsequent legislative intervention. The development from pre-amendment judicial clarification toward a more expressly regulated statutory framework provides a basis for greater predictability, while preserving the need for careful judicial interpretation in cases where the amended provisions remain open to application.

7. References

- ANTOSHKINA, V., SHEVCHENKO, D., SHCHOKIN, R., BOIKO, O., and FOKIN, Y. F. "The practice of legal interpretation by judicial authorities in Ukraine: Theoretical and organizational principles". *Revista Relações Internacionais do Mundo Atual*, v. 3, n. 41, 2023, pp. 506-523. Available at: <https://revista.unicuritiba.edu.br/index.php/RIMA/article/view/e-6403> (accessed on 29 August 2026).
- BAILII. *England and Wales Court of Appeal (Civil Division) Decisions*, 2015. Available at: <https://www.bailii.org/ew/cases/EWCA/Civ/2015/835.html> (accessed on 29 August 2026).
- CABRAL, A. "Searching assets and pressuring the debtor for an effective enforcement: An overview of the Brazilian execution proceedings". In *Effective enforcement of creditors' rights*. Singapore: Springer Singapore, 2021, pp. 187-198. https://doi.org/10.1007/978-981-16-5609-5_18
- COURT OF JUSTICE OF THE EUROPEAN UNION. *Starkinvest SRL* (Case C-291/21, ECLI:EU:C:2023:299). CURIA, 2023. Available at: <https://curia.europa.eu/juris/liste.jsf?num=C-291/21> (accessed on 29 August 2026).
- DAVID, R., and BRIERLEY, J. E. C. *Major legal systems in the world today: An introduction to the comparative study of law*. 3rd ed. London: Stevens, 1985.
- EUROPEAN COURT OF HUMAN RIGHTS. *Hornsby v. Greece*, Application No. 18357/91, Judgment of 19 March 1997. Available at: <https://hudoc.echr.coe.int/eng?i=001-58020> (accessed on 29 August 2026).
- EUROPEAN UNION. *Court of Justice of the European Union. Judgment of the Court (Sixth Chamber) of 7 November 2019*. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62018CJ0555> (accessed on 29 August 2026).
- EUROPEAN UNION. *Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to*

- facilitate cross-border debt recovery in civil and commercial matters. Official Journal of the European Union*, L 189, 2014, pp. 59-92. Available at: <https://eur-lex.europa.eu/eli/reg/2014/655/oj> (accessed on 29 August 2026).
- GERMANY. Zivilprozessordnung (ZPO), § 829, Pfändung einer Geldforderung. Available at: https://www.gesetze-im-internet.de/zpo/_829.html (accessed on 29 August 2026).
- HESS, B. "The effective disclosure of the debtor's assets in enforcement proceedings". In *Effective enforcement of creditors' rights*. Singapore: Springer Singapore, v. 91, 2021, pp. 27-41. https://doi.org/10.1007/978-981-16-5609-5_4
- HONCHARENKO, V. "Law of Ukrainian SSR during destalinization (1956-1965)". *Law of Ukraine*, v. 1, 2013, pp. 336-341. Available at: <https://dspace.nlu.edu.ua/server/api/core/bitstreams/435db018-d06b-4ba3-94cd-37555588a246/content> (accessed on 29 August 2026).
- LYTVYN, N., ANDRUSHCHENKO, H., ZOZULYA, Y. V., NIKANOROVA, O. V., and RUSAL, L. M. "Enforcement of court decisions as a social guarantee of protection of citizens rights and freedoms". *Prawo i Wiedz*, v. 2022, n. 39, 2022, pp. 80-102. <https://doi.org/10.36128/priw.vi39.351>
- MALSKYY, M. M. "Legal regulations of enforcement procedure in selected foreign jurisdictions". *Comparative Law Review*, v. 28, 2022, pp. 393-409. <https://doi.org/10.12775/CLR.2022.013>
- MARCINIAK, A. "Odmowa wszczęcia egzekucji sądowej". *Monitor Prawniczy*, v. 31, n. 9, 2023, pp. 576-584. <https://doi.org/10.32027/MOP.23.9.2>
- NAMURA, H., and KOYANAGI, S. "Proposal for a procedure to strengthen creditor's claims while protecting debtor's quality of life and privacy in japan". In *Effective enforcement of creditors' rights*. Singapore: Springer Singapore, 2021, pp. 95-109. https://doi.org/10.1007/978-981-16-5609-5_11
- RUDENKO, T., HURIN, V., IVANYTSKYI, S., LOSKUTOV, T., and MOSTEPANIUK, L. "Features of organizing the investigation of crimes against property: The experience of the EU countries". *Cadernos de Dereito Actual*, n. 32, 2026, pp. 201-223. Available at: <https://www.cadernosdedereitoactual.es/index.php/cadernos/article/view/1495> (accessed on 29 August 2026).
- SUPREME COURT OF UKRAINE. *Judgment in Case No. 925/791/21 concerning the recovery of UAH 587,346,218.56*, 2023. Available at: https://iplex.com.ua/doc.php?d=5&red=100003a57eee63dd076051f15731b0aeaf7903&egnum=111739217&utm_source=chatgpt.com (accessed on 29 August 2026).
- SZCZEKOCCI, P. "Justice in judicial enforcement law: Comments in the context of the decision-making model of the law application process". *Studia Iuridica Lublinensia*, v. 32, n. 4, 2023, pp. 175-189. <https://doi.org/10.17951/sil.2023.32.4.175-189>
- TARASIUK, S., MIROSHNYKOV, I., and BOGDANOV, Y. "Peculiarities of exercising the investigating judge's powers within the framework of a mixed model of judicial oversight: Consideration of the European legal paradigm". *Cadernos de Dereito Actual*, v. 31, 2026, pp. 284-304. Available at: <https://cadernosdedereitoactual.es/index.php/cadernos/article/view/1388> (accessed on 29 August 2026).
- VASYLYNA, N. V., HULKO, B. I., and KOT, O. O. (Eds.). *Civil Procedure Code of Ukraine: Scientific and Practical Commentary*. Kyiv: Dakor, 2021.
- VERKHOVNA RADA OF UKRAINE. Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Concerning Improvement of the Procedure for Enforcement of Court Decisions, Decisions of Other Bodies and Digitalisation of Certain Stages of Enforcement Proceedings", No. 4833-IX of 7 April 2026. 2026. Available at: <https://zakon.rada.gov.ua/laws/show/4833-20> (accessed on 29 August 2026).
- VERKHOVNA RADA OF UKRAINE. Law of Ukraine "On Enforcement Proceedings". No. 1404-VIII of 2 June 2016. Available at: <https://zakon.rada.gov.ua/laws/show/1404-19> (accessed on 29 August 2026).
- ŽEMKAUSKAS, M., KIRKUTIS, M., and VIŠINSKIS, V. "The application of the general principles of civil procedure in enforcement proceedings". *Jurisprudencija*, v. 27, n. 2, 2020, pp. 508-529. <https://doi.org/10.13165/JUR-20-27-2-14>
- ZHURAVLOV, D. V. (Ed.). *Scientific and practical commentary on the law of Ukraine "On Enforcement Proceedings"*. Kyiv: Professional Publishing House, 2018. Available at: https://pravo-izdat.com.ua/image/data/Files/411/npk_vp.pdf (accessed on 29 August 2026).