

SUMMARY

Key Words: property rights, dispute, remedies, claim, property, court, owner, plaintiff and defendant.

Topic of the graduate qualification research: Property rights and ways to protect them.

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Topicality of the research: The question of the constitutional guarantee of the inviolability of property, as well as the guarantee of judicial protection of the rights and freedoms of citizens is of current interest. The Institute of property law is undoubtedly one of the most important and significant in civil law. The basis of property relations, which are the subject of civil law regulation, are the relations that developed about the right to property. The questions that relate to the definition and application of the necessary method of protection of property rights by the person whose right is violated have always been debatable since the emergence of the institution of property rights in civil law. Special attention should be paid to the problem of differentiating ways to protect property rights.

The search for ways to solve the problem of differentiating methods to protect property rights is, of course, a necessary action carried out for the purpose to ensure the uniform application and interpretation of the Civil Code by the courts, as well as to simplify the use by owners of the right to protect their legal rights and interests in relation to their property.

The research is expressed both in theoretical and practical terms, since the right of ownership in civil law acts as a property relationship and in this regard occupies a dominant position.

The purpose of the research: investigation of the Institute of property rights and ways to protect it, as well as methods to solve problems arising in the practical application of the rules on the protection of property rights.

Objective:

1. to consider the concept, essence and content of property rights;
2. to determine the subjects of property rights;
3. to study the objects and forms of property rights;
4. to analyze the classification of civil law ways to protect property rights;
5. to investigate real-law ways to protect property rights;
6. to identify mandatory legal ways to protect property rights.

The theoretical and practical significance of the research is primarily due to the fact that the institution of property rights and ways to protect it in civil law play an important role and occupy a special place in the civil law system. Theoretical conclusions and practical recommendations, based on the study of the works of Russian legal scholars and the study of judicial practice materials, are aimed at improving civil legislation.

Results of the research:

1. The Institute of property rights has an important place in the system of civil law and protection of the property right is a subjective right, which is expressed in the basic law – the Constitution and the Civil Code.
2. Civil law protection of property rights is a set of methods applied to violators of real rights.
3. In the judicial practice of resolving disputes related to property rights, as in any other branch of law, there are disputed issues and problems that must be resolved.
4. The Purpose of each of the ways to protect property rights is to restore violated rights and eliminate violations of the owner's exercise of rights belonging to him.
5. Property law claims are those ones that are directly aimed at protecting property rights, since the purpose of such claims is to restore the rights of the owner in relation to a certain object in full.
6. The implementation of compulsory legal protection of property rights takes place only if its

object is property that belongs to the participants in the legal relations under consideration on the right of ownership.

Recommendations:

1. To resolve the problem of distinguishing property law claims, it is necessary to make changes to the Civil Code of the Russian Federation that contains clearly defined concepts and criteria for distinguishing property rights.

2. In order to make it easier for owners to choose the appropriate way to protect property rights, it seems appropriate to formulate the concept of ownership rights in article 209 of the Civil Code of the Russian Federation. Legislative consolidation of the right of property would not only prevent the owner from choosing the wrong method of protection, but also simplify the work of the courts when considering disputes over property rights, since the choice between vindication and negatory action is determined by whether the disputed property is in someone else's illegal possession or not.

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