

SUMMARY

Key Words: property right, property right, good faith, property

Subject matter: Property rights and other property rights under the legislation of the Russian Federation

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The relevance of the research topic: The right of property belongs to the category of fundamental, even primordial human rights, and therefore the right of property in the subjective sense in the greatest, concentrated form belongs to the fundamental features of law in general: freedom, justice, equality, rationality, activity, universality, responsibility, acquisition, abstractness and individualism .

The need to study the property rights of citizens is dictated by the presence of problems and difficulties of a theoretical, normative and practical nature, which negatively affect the provision of property rights mainly in the law enforcement mechanism.

These include the following:

- the right of property in legal science, as a rule, is understood as the relation of a person to a thing, the right of the person's domination over a thing (involuntary relations) . But how does this relate to the generally recognized property of law as a social regulator that mediates relations between people (volitional relations)?
- most scientists consider the subjective right of ownership within the framework of the construction of an absolute legal relationship, where a specific owner is opposed by an indefinite number of obligated persons. This design has obvious theoretical and practical disadvantages. The obligation is always concrete - this is the postulate of the doctrine of obligations. As for the reality, the obligated persons do not know and cannot know about the existence of the owner himself, his things and, accordingly, their duties. In such a situation, it is impossible to take into account the individual, diverse needs of the owners, to provide them with legal protection, and legal obligations are unaddressed;
- the right of ownership is traditionally considered as private law. However, this is contrary to the law and the practice of legal regulation. If we analyze section two of the Civil Code of the Russian Federation (hereinafter referred to as the Civil Code of the Russian Federation) on property rights and other property rights, we can count about 230 mandatory norms and only about 30 dispositive ones. In this connection, questions arise: what is the criterion for classifying property rights as private law and what is the actual nature and content of the legal institution of property;
- in the general theory of law, civil law and constitutional law science, the prevailing point of view is that the content of property rights is determined through the triad of powers: possession, use and disposal of property (thing).

The purpose of the work: identify the existing problems of legal regulation of property relations of citizens and suggest possible ways to solve them.

Objective:

- to trace the history of the emergence and development of domestic legislation on the property of citizens;
- describe the concept and content of the citizen's property right;
- describe good faith as the basis of property relations;
- study property rights as a legal category;
- reflect the ways in which citizens ' property rights arise;
- identify the grounds for the termination of the property rights of citizens.

The theoretical and practical significance of the research: The theoretical and practical significance of the research results is determined, first of all, by the systematic approach to the

analysis of the legal regulation of property rights and property rights under Russian law, which allows us to talk about the possibility of harmonizing modern legislation and solving a number of problematic issues in the field of property rights regulation on this basis.

The results of the study can be used in the study of civil law, as well as aimed at improving civil legislation.

Results of the study:

1. The legality of ownership implies its derivation from the will of the owner. Legal (title) ownership is based on the will of the owner.
2. The grounds for the legality of ownership should, as a rule, be absent from the owner from the very beginning of ownership. If the thing is transferred to the owner by the owner, then its subsequent claim can be made only on the grounds arising from the owner's contract with the owner and provided for by the relevant legal norms, but not Article 301 of the Civil Code of the Russian Federation. Therefore, it is inaccurate to attribute to vindication those cases where the legal basis of ownership "disappeared in the future"; this can only be correct in relation to those cases where the right of ownership was not based on a contract with the owner.
3. The Civil Code of the Russian Federation does not have an official definition of property rights. At the same time, the understanding of property rights set out in Articles 209 - 211 of the Civil Code of the Russian Federation is rather vague and needs to be adjusted.
4. With the existing legislative approach, it is difficult to distinguish property rights from other property rights, on the one hand, and to emphasize all the specifics in comparison with other subjective rights, on the other.
5. In the legal literature, there is no single answer to the question of what (what elements) make up the content of property rights and what are its limits. At the same time, the analysis of the main elements of the content of property rights as a whole, its properties and relationships, and the identification of the feasibility of expanding the "triad" of powers to own, use and dispose of is an urgent not only theoretical, but also practical task, since this allows us to look at this legal phenomenon with a certain level of generalization.

Recommendations:

1. It is proposed to legislate the following definition. "The right of ownership is the most complete, broad, stable property right, which presupposes the legal or actual existence of a particular person (owner) in relation to his property (property) of a system of rights that the owner exercises at his own discretion, in his own interest, freely and independently, at his own will and independently of the will of other persons." The concept of property includes not only social relations between people about things, but also the relationship of a person to a thing.
2. Citizens are private owners of their property. In this capacity, they can be the owners of any property, including various types of real estate, including enterprises such as property complexes, residential buildings and apartments. Citizens are the owners of the property of the institutions (non-profit organizations) created by them. They may also own various types of movable property, including equipment, vehicles and other "means of production", as well as money and securities.
3. The property of citizens belonging to them by right of ownership may also include individual rights of obligations, corporate rights, as well as certain rights from the exclusive rights. They do not thereby acquire the regime of property rights, but are part of the property belonging to the citizen as a single complex.
4. It is possible to note the need to use the presumption of good faith in property relations and to positively assess the existing experience of its enforcement. However, in order to provide certainty in the application of presumptions, we consider it appropriate to proceed from the fact that different actual and legal conditions are possible (possession, acquisition, ownership, etc.), and, therefore, it is necessary to use the appropriate presumptions: the presumption of good faith of actual possession in respect of movable property and the presumption of good faith of the acquirer of real estate.