

## SUMMARY

**Key Words:** highways, property, object of law, court, legislation.

**Subject matter:** Highways as objects of civil rights.

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**The relevance of the research topic** The development of the road network is one of the main tasks of the Russian state. Roads are important components of social and industrial infrastructure. The lack of legal regulation is manifested in the uncertainty of the legal definition of highways and, therefore, in the variability of interpretation of the connection of highways to real estate; the absence of a legally regulated scheme for the privatization of non-public roads owned by the state or municipality, if these roads are included in state or municipal enterprises; insufficient regulation of the specifics of the content of public and private property rights on public roads; the need to have common definitions of concepts and categories of legal norms of public legal acts related to roads as objects of civil legislation and civil rights. The contradictions that exist in the current legislation on roads and road activities, and its inconsistency, increases the already heavy burden on the judicial authorities. The difficulty, and sometimes the inability to obtain information about the owner, the type of possible use of the highway creates disputes and conflicts of a legal nature, on the issues of lawful use and maintenance of highways, which creates certain difficulties for a clear definition of legal relations in the field of transport infrastructure. In court proceedings in this category of cases, when studying data about a road (the specific owner and the possible type of permissible use of this road), you have to send requests to the state bodies authorized to provide the necessary information. As a rule, this information is not provided, and the courts are forced to independently determine who is the owner and what type of permitted use of roads is based on the case materials. Therefore, this issue needs to be resolved by law as soon as possible.

**The purpose of the work:** comprehensive analysis of the legal nature of highways as an object of civil rights, as well as identifying shortcomings in the legal regulation of the area under consideration and offering solutions to existing problems.

**Objective:** to perform legal rules and doctrinal approaches on the roads as the object of civil rights; to consider the evidence of the turnover of highways; to study the content of the right of public and private ownership of roads; to consider how the implementation of the powers of the owner of the road as the object of the public (public) infrastructure; to identify problems of law and practice arising in the field of regulation of highways as an object of civil rights and propose solutions.

**The theoretical and practical significance of the research:** The obtained results can be used to further improve the existing legislation on roads, its implementation, development of training and methodical literature lit issues in teaching in universities courses of civil law and be the basis for subsequent scientific research of the legal regime of roads directly, of the legal regime of public facilities and transport infrastructure.

**Results of the study:**

1. in the definition of a highway, enshrined in legislation, there is no clear idea of the characteristics of a highway, from the point of view of objects of civil law. The vagueness of the normative definition raises a number of issues that arise in law enforcement practice. It is necessary to reflect in the current legislation the characteristics of the highway as a single real estate complex.

2. In legal doctrine there is no legal definition regarding the turnover. Based on the research, it can be concluded that public and non-public roads of Federal, regional, inter-municipal and local significance are classified as objects that are restricted in civil circulation, due to the possibility of this category of objects belonging only to certain participants in civil circulation.

3. Reflecting the issue of property rights in the law on highways is of great practical importance for regulating legal relations in the field of road management, since it allows you to determine the list of persons responsible for the maintenance and repair of highways. The duty to maintain highways is related to the purpose of ensuring the safety of highways, the organization of road traffic, including by maintaining uninterrupted traffic of vehicles on highways and safe conditions for such traffic. The right of use for the owner of a highway includes primarily the performance of the obligation to reconstruct, overhaul, repair and maintain highways, and not the extraction of useful properties of the object in the course of its operation.

4. The presence of common technical requirements for the maintenance of the road apply to all owners, regardless of the form of ownership, defines the public nature of possession and use of roads, benefiting an indefinite number of persons. The analysis of normative legal acts of the subjects of the Russian Federation devoted to the rules of maintenance of highways of regional and intermunicipal significance shows that these acts largely repeat the provisions of the Rules for the organization and conduct of work on the repair and maintenance of roads of Federal significance, in particular on the composition of activities carried out within the framework of maintenance of highways. Such duplication of provisions on the repair and maintenance of roads, depending on their purpose, is not appropriate and only leads to an increase in the volume of regulatory material.

5. The law on highways provides for the location of public and non-public roads of Federal, regional, inter-municipal and local significance exclusively in state or municipal ownership. However, when carrying out the privatization of state or municipal enterprises whose property includes non-public roads, these roads are also subject to privatization, which contradicts the norms of current legislation.

**Recommendations:**

1. amend the legislation to reflect the characteristics of the highway as a single real estate complex consisting of a set of interconnected objects connected by technological communication, which may include other transport infrastructure structures in addition to the highway itself: bridges, overpasses, tunnels, vehicle Parking, information boards, road service facilities, as well as other transport infrastructure objects.

2. it is Necessary to fix at the Federal level uniform rules for the maintenance of public roads of Federal, regional and inter-municipal significance. This will eliminate the problem of duplicating the rules for organizing and carrying out work on the repair and maintenance of highways of different levels of purpose.

3. it is Necessary to provide by law for the possibility of privatisation of non-public roads of Federal, regional, inter-municipal and municipal significance, if these roads become part of state or municipal enterprises.