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## Involuntary termination of private property rights under the civil legislation of Ukraine

### Примусове припинення права приватної власності за цивільним законодавством України

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#### Abstract

The article investigates theoretical and practical problems of civil regulation of involuntary termination of private property rights. Private ownership is one of the essential human rights. That is why it is extremely important to provide its appropriate protection. It is especially important in terms of current Ukrainian realities in the context of continuous hostilities, the temporary occupation of part of the country's territory, rapid economic reforms aimed at bringing the Ukrainian economy closer to the standards of the European Union. The involuntary termination of private property right should be an exception used in very rare cases, established by law. Considering this, the article analyzes established by Ukrainian legislation cases of involuntary termination of private ownership from the point of view of human rights protection. Some imperfections in the legal regulation of involuntary termination of private property are revealed and ways of improvement of the current state are suggested. It is concluded that involuntary termination of private ownership takes place in a limited number of cases, but it does not directly follow from Art. 346 of the Civil Code of Ukraine. It was offered to supply Art. 346 of the Civil Code of Ukraine with the provision that ownership shall be terminated by compulsory order only on the grounds and in the manner provided by the Civil Code and the Laws of Ukraine.

#### Анотація

У статті досліджено теоретичні та практичні проблеми цивільного регулювання примусового припинення права приватної власності. Право приватної власності є одним із найважливіших прав людини. Ось чому надзвичайно важливо забезпечити належний захист приватної власності. Це особливо важливо з точки зору сучасних українських реалій в умовах постійних військових дій, тимчасової окупації частини території країни, швидких економічних реформ, спрямованих на наближення економіки України до стандартів Європейського Союзу. Примусове припинення права приватної власності має бути винятком, що використовується в дуже рідкісних випадках, встановлених законом. Враховуючи це, у статті аналізуються встановлені законодавством України випадки примусового припинення права приватної власності з точки зору захисту прав людини. Виявлено деякі недосконалості правового регулювання примусового припинення права приватної власності та запропоновано шляхи покращення сучасного стану. Зроблено висновок, що примусове припинення прав приватної власності відбувається в обмеженій кількості випадків, але це прямо не впливає із ст. 346 Цивільного кодексу України. Було запропоновано доповнити ст. 346 Цивільного кодексу України положенням, що право власності

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**Keywords:** private property, ownership, involuntary termination, human rights, protection, confiscation, nationalization, privatization.

припиняється за примусовим розпорядженням лише на підставах та в порядку, передбачених Цивільним кодексом та законами України.

**Ключові слова:** приватна власність, примусове припинення, права людини, захист, конфіскація, націоналізація, приватизація.

## Introduction

The study of subjective private property rights is of considerable interest due to the extraordinary value of private ownership in the civil rights system of an individual, and the special position that it holds in civil circulation. Private ownership gives grounds for economic relations, forms the material basis of society, which underlines its importance.

Along with changes in the economic structure, the state of legal regulation and the degree of protection of owners' rights is changing. Nowadays, the property institute in Ukraine is significantly influenced by globalization processes and integration models of social development.

Today there is a problem of illegal transformation of private ownership and as a consequence - the lack of proper and real guarantees of subjective owners' rights. These problems appear due to the unreliable property registration system, imperfect urban planning legislation and the legislative framework governing real estate issues.

Given the current Ukrainian realities in the context of almost continuous hostilities, the temporary occupation of part of the country's territory, rapid economic reforms aimed at bringing the Ukrainian economy closer to the standards of the European Union, it is of particular importance to maintain legality in the sphere of property relations. After all, under the Constitution of Ukraine, no one can be unlawfully deprived of property rights. This means that private ownership can be terminated only on the grounds and in the manner prescribed by law.

The new conditions create new challenges for both the legislator and the scientific community in addressing the legal regulation of termination of property rights, and in particular private property rights. Particular attention needs to be paid to the investigation of involuntary termination of private ownership, as involuntary

termination threatens the realization of one of the fundamental human rights - property rights. Therefore, cases of involuntary termination of private ownership should be enshrined only at the level of the law and must be properly regulated.

With this in mind, the purpose of this article is to investigate theoretical and practical problems of civil regulation of involuntary termination of private ownership. In order to achieve this, the following objectives were set: to find out the general principles of involuntary termination of private ownership under the current civil legislation of Ukraine; to identify gaps in the Civil Code of Ukraine, the Civil Procedure Code of Ukraine and other legislative acts regulating the methods of involuntary termination of private ownership; to identify weaknesses in the practice of understanding how to forcibly terminate private ownership.

## Theoretical framework

In Ukrainian jurisprudence, studies on the grounds for termination of private property rights are fragmentary and require additional clarification.

Most scientific works are devoted to issues such as the concept and content of property rights, the realisation and limitation of property rights, joint ownership, protection of property rights. Issues of termination of property rights in Ukrainian civil science were not investigated deeply. Only some issues of termination of ownership have been developed in some researches. Among the researches on the termination of property rights it is worth mentioning the dissertation researches of O.S. Kharchenko "Grounds for termination of ownership" (Kharchenko O., 2009) and O.V. Yeliseyeva "Termination of the private ownership of the land plot under the legislation of Ukraine" (Yeliseyeva O., 2006). Nevertheless, the abovementioned works does not discover peculiarities of the involuntary termination of property rights specifically. O.S. Kharchenko is mostly concentrated on comparing of all ways of

termination of private property. She also pays specific attention to some issues connected to termination of property rights on land and housing (Kharchenko O., 2009). Same issues connected to private property on land plots are discussed in the work of O.V. Yeliseyeva. The scholar is concentrated only on those questions which arise in connection with termination of property rights on the land (Yeliseyeva O., 2006).

Some aspects of private property rights were explored in the works of O.S. Dovgert (Dovgert O., 2000), R.A. Maidanyk (Maidanyk R., 2015), K.G. Nekit (Nekit K., Shershenkova V., Voloshina S., 2019), E.O. Kharytonov (Kharytonov E., 2011). Each of the abovementioned works is devoted to some specific issues connected to property rights. Thus, O.S. Dovgert investigated some basic principles of private law on the basis of which the principle of inadmissibility of dispossession appeared (Dovgert O., 2000). R.A. Maidanyk concentrates on protection of property rights in different cases (Maidanyk R., 2015). Some scholars are focused on investigation of different types of ownership and on how the relations between an owner and third parties should be developed (Nekit K., Shershenkova V., Voloshina S., 2019). E.O. Kharytonov focuses on basic principles of private law and on how they determine main principles of acquisition and termination of ownership (Kharytonov E., 2011). However, to date, little attention is paid to a comprehensive study of the ways and procedures for the termination of property rights as a whole and the methods of voluntary and involuntary termination of private property rights.

### Methodology

The methodological basis of the research is a system of interrelated general scientific and special methods of scientific research, the application of which ensures the reliability of knowledge and the solution of the set purpose and objectives.

During the research the following methods were used: historical method, comparative legal method, methods of analysis and synthesis, dogmatic and legal methods.

Using the historical method, the evolution of the legislator's approaches on involuntary termination of private property rights has been analyzed. The comparative legal method was used to identify the general and specific features of the involuntary termination of private property

rights. Methods of analysis and synthesis were used to identify means of involuntary termination of private property rights.

The dogmatic and legal method allowed to analyze the content of the current legislation provisions, which stipulate the proper ways of involuntary termination of the private property right, to reveal the shortcomings of legal regulation of the involuntary termination of the property right to certain objects.

### Results and discussion

Coercive remedies against members of civil relations are mostly applied in case of violation of the law or contract and as a result of the subjective civil rights of another person. In the field of private law, state interference in the relations of subjects is minimized (Goryainov A., 2009). However, this does not mean that coercion applies only to the misconduct of a private property entity. In a limited number of cases, measures of legal coercion can also be applied to solve state problems that are associated with extreme social conditions, such as martial law, natural phenomena (Alekseev S., 2008).

Art. 348 of the Civil Code of Ukraine establishes a rule according to which if a person has property right to the object which became forbidden by a law passed later, such an object must be alienated by the owner within the period set by law.

Unless the property is alienated by the owner within the time limit specified by law, the property shall be subject to compulsory sale on the basis of a statement by the relevant public authority. In case of compulsory sale of property, the amount of proceeds is transferred to its former owner, less the costs associated with the disposal of the property. If the property has not been sold, it is transferred to state property by court decision. In this case, the former owner of the property is paid the amount determined by the court decision.

The form of compulsory sale of such property must be determined by the court in each case, taking into account the nature of the thing. It can be sold at a closed auction, competition, sale through commission trade or in terms of a special procedure.

In case of compulsory sale of property which cannot belong to the person, the ground of termination of the ownership right is the relevant court decision and the contract of sale and purchase of the movable property or state

registration of the transfer of ownership of the real estate.

The court's decision to enforce the termination of the property right is based on such legal facts established by the court: the property cannot be owned by the person, but was acquired by him or her legally, and has not been alienated by the owner within a year (or other statutory term).

The termination of the property right in case of foreclosure is regulated by general provisions of the Civil Code of Ukraine on the termination of the property right, and by the rules of obligations and civil procedural law (including enforcement proceedings).

It should be noted that only within the framework of contractual obligations, it is possible to enforce the specific performance of an obligation, the requirement to terminate or change the legal relationship. The use of such a method of civil rights protection as the restoration of a pre-infringement situation is very limited. It is only possible with respect to the effects of the invalidity of transactions.

The penalty may be levied on the property of the owner, in particular, in connection with a violation of an obligation (Article 611 of the Civil Code of Ukraine), damage caused by unlawful actions (inaction) to other individuals or legal entities (Article 1166 of the Civil Code of Ukraine).

For example, in case of failure to fulfill the obligation secured by the pledge, the pledge holder acquires the right to foreclose on the subject of pledge (Article 589 of the Civil Code). In this case, the enforcement of the pledge shall be made by court decision, unless otherwise stipulated by the contract or the law.

If we analyze the legal nature of the pledge solely through the prism of legal relations arising between the pledge holder and the pledgor, then its binding nature is not in doubt - there is a legal connection between the parties, which is expressed in mutual rights and obligations (Nizhnyi S., 2002).

According to Part 6 of Art. 20 of the Law of Ukraine "On the pledge", the enforcement of the foreclosure on the pledged property is carried out by decision of a court or arbitration court, on the basis of a notary's executive inscription, unless otherwise provided by law or the pledge agreement. The pledged property may be sold from public auction or otherwise sold in the

manner prescribed by the contract of the parties or by law (Articles 590, 591 of the Civil Code of Ukraine). But in any case the title of the mortgagor (debtor) to the thing which was the subject of the pledge is terminated.

The Civil Code of Ukraine also provides regulation for cases of deprivation of property right in connection with violation of a contract. For example, according to Art. 620, 665 of the Civil Code of Ukraine in case the seller refuses to transfer the sold goods, determined by individual characteristics, to the buyer, the latter may demand it from the seller in court. Such extortion of property from the seller is at the same time a compulsory deprivation of his property right, which from a legal point of view is quite justified, since it is applied for violation of the seller's contractual obligation (Dzera O., 2005).

The general reason for the termination of private property rights in this case is a court decision to seize property by way of enforcement. However, out-of-court enforcement of foreclosure may also be possible if provided for by law or contract. In this case, the reason may be a legal fact stipulated by law, or an agreement that the parties agreed to an extrajudicial procedure for recovering the debtor's property (Burtovaya E., 2011).

Extrajudicial methods of compulsory seizure of property include the recovery of property according to the notary's executive inscription (Krysanov A., 2002). In the legal science, executive inscription refers to the notary's order for the debtor's compulsory recovery of a sum of money or the transfer or return of property to a creditor made on documents confirming the debtor's obligation (Radziyevska L., 2000).

Thus, according to Art. 87 of the Law of Ukraine "On the Notary" for collecting monetary sums or demanding from the debtor of property notaries make executive inscriptions on the documents establishing the debt. The Cabinet of Ministers of Ukraine establishes a list of documents on which indebtedness collection is conducted indisputably on the basis of executive inscriptions. The purpose of the executive inscription, in addition to certifying the fact and giving it legal credibility, is the renewal and recognition of the violated rights of the subjects of civil legal relations by a specially authorized subject - a notary (Berejna I., 2012).

For example, the collection of debt under notarized agreements involving the payment of money, transfer or return of property, as well as

the right to recover the pledged property is carried out on the basis of providing the original notarized agreement and documents confirming the indisputability of the dispute obligation.

Due to the crisis phenomena in the field of bank mortgage lending related to the inability of a large part of the borrowers to fulfill their obligations, the study of the grounds and methods of termination of the private property right to housing becomes urgent in connection with the enforcement of the latter as a measure of liability (Galko O., 2010).

Scholars indicate the existence of contradictions in the legal regulation of the grounds and ways of such termination of the private property right to housing. Thus, Part 3 of Art. 47 of the Constitution of Ukraine stipulates that no one may be forcibly deprived of his home except by court order. Therefore, the sole ground for termination of the property right to dwelling is a court decision. However, the Law of Ukraine "On Preventing the Impact of the Global Financial Crisis on the Development of the Construction Industry and Housing" enshrined the possibility of an out-of-court settlement of the mortgagee's claims, which was further misinterpreted in legal practice and, in effect, allowed the termination of the private property right to a dwelling out of court (Galko O., 2010). Legal relations in the sphere of compulsory termination of ownership of land and other real estate in connection with public necessity are regulated in Ukraine by the Law "On alienation of land plots, other objects of real estate placed on them, for public needs or on grounds of public necessity". The main feature of this Law is that, unlike all other legislative acts, it defines the concepts of "public necessity" and "public need", which are necessary to substantiate the procedure of land seizure. Thus, according to Art. 1 of this Law, a public necessity is an exceptional necessity, caused by the national interests or interests of a territorial community, for the purpose of which the compulsory alienation of a land plot and other objects of real estate located on it is allowed, in accordance with the procedure established by law. Public need is the need for land plots, including those on which real estate objects are located, the redemption of which is carried out in accordance with the procedure established by law, is determined by the national or territorial community interests.

Despite the existence of definitions, there are conflicts in the interpretation of the term "exceptional necessity", since its legislative definition is absent. This gives grounds to state

authorities to interpret it at their own discretion, thereby widening the scope of legally established cases of alienation of land for public necessity (Marchuk M., 2011).

General provisions on the purchase of land in connection with the public need are formulated in the Civil Code of Ukraine. Thus, according to Part 1 of Art. 350 of the Civil Code of Ukraine the purchase of the land plot in connection with the public necessity is carried out by consent of the owner or by court decision in the order established by law.

However, the consent of the owner does not mean that the purchase of land due to a public need may be attributed to the voluntary termination of the right. After all, if the alienation is carried out on the basis of the contract of purchase and sale of land, then the contract will be the basis for termination of the property right. In this case, the motives for the acquisition of state or communal property rights will have no bearing on the termination of private property rights, namely the termination of property rights will be effected by the ordinary alienation of property.

With regard to the compulsory purchase of land in connection with the public need, such alienation of land, unlike the purchase of land, which is used when there is a consent of the owner, can only be used as an exception. This is indicated by Art. 15 of the Law "On alienation of land plots, other real estate objects placed on them, for public needs or on grounds of public necessity", where it is established that in case the consent of the owner of the land plot or other real estate objects placed on it is not obtained, these objects can be forcibly alienated into state or municipal property only as an exception (Volovyk V., 2011).

According to Art. 346 of the Civil Code of Ukraine, one of the grounds for the involuntary termination of property right is requisition. Requisition is the seizure of property by the state from the owner with compensation to him of the such property value.

Requisition is a traditional institution of law, known in Ukraine since pre-revolutionary times. In pre-revolutionary law under requisition considered the compulsory purchase of local funds necessary to meet the consumer needs of the army, with payment or with providing a receipt after approval of tariffs and fixed prices. At the same time, it should be noted that pre-revolutionary science called this institute an

expropriation. Historical analysis of the normative acts of the October Revolution of 1917, the norms of the Civil Code of the USSR of 1922, the Civil Code of the Ukrainian SSR in 1963 shows that in all cases the requisition was carried out free of charge, with significant violations of law and arbitrariness of power (Krysan T., 2013).

According to Part 1 of Art. 353 of the Civil Code of Ukraine in case of a natural disaster, accident, epidemic, epizootic and in other extraordinary circumstances, for public need, the property may be forcibly alienated from the owner on the basis and in the manner prescribed by law, on conditions of prior and full compensation of its value (requisition).

The purpose of requisition is to ensure the safety of citizens, to save property, to destroy infected animals to prevent the spread of an epidemic or epizootic, etc.

The Criminal Code of Ukraine contains a rule according to which in case of introduction of a martial law or a state of emergency land plots owned by citizens or legal entities may be alienated for reasons of public necessity in accordance with the procedure established by law. This rule establishes the procedure of requisition.

The Laws of Ukraine "On the Legal Regime of State of Emergency" of March 16, 2000, and "On the Legal Regime of Martial Law" of April 6, 2000, which specify circumstances that may be qualified as extraordinary do not regulate requisition matters. Therefore, we support the opinion (Klymenko O., 2013) that there is a need for a special law on requisition arising from constitutional requirements (Part 5 of Article 41 of the Constitution of Ukraine) and legislative approaches to regulate these issues.

From the requisition it is necessary to distinguish similar concepts, in particular, such as nationalization, sequestration (Article 57 of the Law of Ukraine "On the pledge" of October 2, 1992), private seizure (part 2 of Article 12 of the Law of Ukraine "On protection of animals from ill-treatment" of February 21, 2006).

Thus, the judicial sequestration involves the preservation of a sum of money, securities, other valuables, which are the subject of dispute between the parties, in a third party, pending the decision of the court to award the subject of the dispute; the deadline for filing a claim has expired; seizure of disputed property; concluding

a settlement agreement on disputed property. However, sequestration cannot be a ground for termination of private property rights, because by a court decision the property rights in this case are limited and the property that is the subject of the dispute is transferred to other persons (Korolev V., 2010).

A separate ground for involuntary termination of property rights is the so-called "private seizure", which refers to pets, which according to the provisions of the Civil Code of Ukraine they may be subject to the legal regime of things.

According to Part 2 of Art. 12 of the Law of Ukraine "On protection of animals from ill-treatment" of February 21, 2006, the property rights to animals in case of ill-treatment may be terminated by court decision by way of their seizure or confiscation.

Private seizure is usually associated with abuse of law. Literal (grammatical) analysis of the content of Art. 13 of the Civil Code of Ukraine testifies to the prohibition by the legislator of the following four forms of improper exercise of the right: a) chicane - the action of a person with the sole intention, that is, with direct intent, to cause harm to another person; b) the exercise by a person of his civil rights in order to restrict competition; c) abuse of a dominant position in the market, i.e. creating favorable conditions for monopolists to the detriment of their counterparties or consumers; d) any other forms of abuse of law which do not fall within the classification of the first three cases (Gubar O., 2012).

However, such seizure cannot be linked to requisitioning. Similarly, requisition cannot be compared to the obligation to cause damage, because the seizure of property is not preceded by the damage caused by the owner. Requisition is also different from one-sided transactions, where one-sided expression of a person's personality creates responsibilities only for himself, but in no case for others. In case of requisitioning, an act of a public authority, in addition to the right to receive compensation, gives rise to the obligation of the owner to transfer certain property (Afanasieva E., 2009).

Termination of property rights in case of requisitioning has a significant difference both in the basis of its application and, therefore, in determining the grounds for termination of the private property right. Forcible termination of private property rights in case of requisitioning of property is carried out directly on the basis of an

administrative act. In all other cases, the compulsory alienation of private property in the public interest is based on a court decision. This indicates both the administrative-legal nature and the certain autonomy of the institution of requisition (Klymenko O., 2012).

For a long time, one of the ways to terminate private property rights was to forcibly withdraw the means of production and then transfer them to state property on the grounds of nationalization (expropriation). Nationalization was carried out on the basis of the relevant legislative acts (decrees) that nationalized, first of all, the land, its subsoil, water, forests, banks, industrial enterprises, transport and other major objects. The consequence of nationalization was the termination of the right of the previous owners of the property (capitalists, landowners, royal family, church) without compensation of its value.

Today, nationalization should not be seen as a way of total acquisition, redistribution of property and its expropriation, but as a means of natural and productive changes in the structure of ownership in terms of interests of the national economy. Nationalization today is a political and economic instrument of state regulation of the economy through the alienation of property owned by individuals in the ownership of the state, carried out on the basis of a special act of the competent state body (Arhipova O., 2002). The need for nationalization is ensured by the results of the opposite process - privatization. According to scholars, the optimization of the ownership structure, changing its configuration in accordance with specific socio-economic conditions and national priorities is permanent. This is evidenced by the international practice not only of Western European states but also of young democracies in Eastern Europe (Shutov I., 2006).

Nationalization is absent among the grounds for termination of property rights enshrined in the current Civil Code of Ukraine. However, the current state of legal practice indicates that the investigation into this ground of termination of private property rights is a matter of urgency.

In Ukraine, nationalization is not enshrined in the legislation, but legislative work on its implementation is still taking quite a considerable period of time. Each of the draft laws has raised a number of comments and suggestions, but the very idea of consolidating nationalization as grounds for termination of

property rights finds its adherents (Kharchenko O., 2011).

Unlike national legislation, nationalization is enshrined in international law. Based on the numerous definitions given in private international law, the following basic features of nationalization can be identified.

First, nationalization is the conversion of property of individuals into state property. Secondly, nationalization is carried out on a paid basis. Thirdly, the transfer of ownership is always carried out on the basis of law. The last condition for nationalization is the existence of a national need. Nationalization, and privatization - as a counterbalance to it, should be carried out if and only when it is directly needed by the country's economy, national interests (Dondubon Yu., 2013).

It is argued that nationalization as a basis for termination of property rights should take place in the legislation of Ukraine among other grounds for termination of property rights, which, as the experience of foreign countries confirms, will contribute to the development of certain sectors of the economy. At the same time, legislative activity should be continued and intensified, but with careful consideration of the requirements of the current legislation of Ukraine and the constitutional principles of protection of property rights (Kharchenko O., 2011).

It can be stated that in addition to the above mentioned grounds for termination of private property rights fixed in the Civil Code of Ukraine, there may be others.

Public relations in the post-Soviet countries have undergone significant transformations at the turn of the century. The formation of a market economy and market relations were based on significant transformations of property. The main focus of market reform programs and practices in Eastern European countries is the process of privatization (Motrychenko V., 2008).

The most important role in this process belongs to the state. It sets the "rules of the game" on the privatization field, prepares the legislative basis, formulates the purpose, defines the parameters and criteria for property reform. The role of the state in privatization is manifested primarily in the development of property transformation policy, which is a rather complex and multi-vector process, since it affects not only the economic but also the social and political and ideological interests of the general population.

The privatization process in Ukraine has become one of the main drivers of economic reform, so it has not only reflected economic changes in the context of property reform, it has also become a major arena of political struggle. These circumstances have led to a constant adjustment of the legislative and regulatory framework, and changes in the mechanism and priorities of privatization are not always justified.

From the very beginning, the process of privatization and change of ownership was quite difficult and slow in Ukraine. This was due to a number of negative factors, such as political contradictions and inconsistencies in the implementation of market transformations, insufficient methodological preparation, excessive politicization of approaches to privatization etc.

Researchers point out the presence of a number of methodological problems in the domestic privatization process and its legislative consolidation. The main disadvantages of the privatization legislation are the absence of economically justified and legally fixed procedures for property valuation (Seminojenko V., 2010), the absence of effective legal mechanisms for monitoring compliance with the terms of privatization, the absence of a legislative ban on the misuse of funds obtained from the privatization of property, legal liability for violation of the requirements of the legislation on privatization. In practice, Ukrainian privatization has been faced with an even greater number of problems: the lack of control over state administration bodies for the preservation of property of investment-attractive state-owned enterprises; significant increase in the price of privatization objects that are privatized together with land plots; significant violations of the rules of privatization, including the falsification of privatization documents; preferences in affordability or price reductions and competition in the sale of state property (Zadereyko S., 2012).

The above legislative and enforcement issues require legitimizing the results of privatization processes *ex post facto*. The legitimization of privatization is a process by which society recognizes and accepts the results of divestiture of large property on the territory of the country, and the property institute itself becomes respected and inviolable.

## Conclusions

Property rights as an institution of law in Ukraine developed under unfavorable conditions for the transition to a market economy while preserving the remnants of the Soviet system, which reflected both on the legislative regulation of ownership and on its perception by the Ukrainian society.

The particular importance of the legal regime of private ownership and the relevance of research into its legal nature is due to the natural heterogeneity of the legal relations of property for different subjects. This is especially true of the remedies and means of protecting the subjective right, since the individual and the owner in the exercise of his subjective right are confronted, in addition to all other persons, by the state and the local self-government, which, unlike an individual are endowed with specific opportunities to influence the behavior of participants in legal relationships, including individuals in property relations. By its very nature, the state may apply coercion to other entities, thereby providing an additional level of protection for its own subjective rights.

The termination of private ownership is one of the key moments in the dynamics of legal relations, together with the acquisition and change of ownership rights. According to the legislation, the property right enjoys special protection for its termination, which is confirmed by the norms of the Constitution of Ukraine, the Civil Code of Ukraine, the Criminal Code of Ukraine and many other legislative acts. This is especially true for private ownership, which is naturally the most defensible compared to similar law of the state and the territorial community.

The termination of private ownership for the purposes of legal regulation must be linked to the will of the individual. Therefore, involuntary termination takes place in a limited number of cases, but it does not directly follow from Art. 346 of the Civil Code of Ukraine. Taking this into account, we are offering to supply Art. 346 of the Civil Code of Ukraine with the following content: "Ownership shall be terminated by compulsory order only on the grounds and in the manner provided by this Code and the Laws of Ukraine". In continuation of this provision, we consider it necessary to adopt the Laws of Ukraine "On Nationalization and Re-privatization" and "On Requisition", in which it is necessary to consolidate the basic provisions of these cases of involuntary termination of private ownership.



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