

*Pruzhanska T.,
Lecturer,
Department of Theory, History of State and Law,
Constitutional and Legal Disciplines,
Faculty of Law,
Academy of Labour, Social Relations and Tourism*

THE CONCEPT OF JUDICIAL PROTECTION OF LAND RIGHTS OF INDIVIDUALS IN UKRAINE

The article investigates the concept of judicial protection of land rights in the context of substantive and procedural law applicable to the content of land rights and interests of individuals in Ukraine. Analyzes of the theoretical and legal approaches to the definition of “the right to the protection of land rights of individuals” and their legal meaning based on the clarification of the nature of law is determined by the structure of the right to defense as part of objective and subjective rights.

The relevance of the chosen topic is based on the fact that today one of the fundamental and overarching characteristic features that reinforce the conditions of existence (creation) of legal state is the category of “the right to protection.” Legal action of the individual to the court as prescribed by law for the protection of his rights and the protection of his respective remedies provided by law are stated in the right to protection (the Constitution of Ukraine (Article 55)).

The peculiarity of the protection of subjective civil rights and interests is a choice of different orders of recognition of the rights violation and legal impact on the offender which is not limited by methods established in the article 16 of CC of Ukraine. The right to protection includes substantive and legal as well as procedural measures. This is an additional basis for the recognition of the right to protection as an outstanding subjective right which belongs to citizens and organizations.

The purpose of the article is an analysis of the substantive law governing the protection of land rights of individuals in court, justification of the provisions associated with significant changes in the content of land rights and interests of citizens.

Analyzing legal provisions in the context of protecting the land rights of the individuals, author suggested that an individual, whose subjective land right violation is not recognized or challenged, has to make decisions regarding his defense.