

Koval O. – *Lawyer, Kiev, Ukraine*

Peculiarities of Self-Defense of Housing Rights

According to the main law of Ukraine, which was established on the 28th of June 1996 – the Constitution of Ukraine, every citizen has the right to protect their personal rights and freedoms against breaches and violations. A person can use any legal methods to achieve the mentioned above purpose. Some of the methods, but not all of them, described in the Civil Code of Ukraine. One of these method which is the most effective way for immediate and efficient counteraction is self-defense. The main idea of the self-defense is an opportunity to use counteractions, which are allowed by the law and by morals of the society.

Meanwhile, in the scientific community exists the dispute regarding the most complete definition of self-defense. Moreover, determining the peculiarities of the self-defense in relation to property rights is equally important question. Another important problem is the lack of clear criteria for self-defense, which leads to unjustified identification of self-defense with illegal actions. After all, the polemic in scientific society about self-protection of property rights is still exist and mentioned above questions are still not enough explored. This fact became the reason for a research that allowed to organize the different scientific position and define the concept and characteristics of self-defense in the field of the housing rights.

An important conclusion which has been obtained after provided research was, that the self-defense of the rights and interests is only possible at the moment of the existence and simultaneous violations of the property rights, as termination of property rights is always a legitimate, regulated legal action, and self-defense is possible against only illegal actions.

Keywords: self-defense, housing, property rights, housing legal relationship, ownership, eviction.