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OBLIGATORY CONTENT OF PROPERTY RIGHTS AS A CONDITION FOR COMBINING PRIVATE AND PUBLIC INTERESTS

Paper investigates theoretical and legal approaches to the obligatory content of property rights, consisting in the coordination and protection of the interests of individuals and society as a whole. It is proved that respecting the balance between the interests of society and the interests of its individual members, in our case, the subjects of property rights, is one of the key principles of legal regulation in a democratic, civil society that reveals the binding content of property rights. The value of the principle of balancing the interests of society and private owners in the legal regulation of civil relations is that, with its observance, society gets the best use of positive aspects of property, and private owners are endowed with all the necessary mechanisms for the realization and protection of their interests objectified by the legal norm.

It is substantiated that the right of ownership fulfills an important social function, which is to satisfy the public interests (provision of food, economic, ecological safety in the state, employment of the population) due to personal interest in the results of its activities. Interest is a factor that determines the activity of an individual, created by him community (organization) and the state as a whole as a speaker of the interests of its private entities. Formation of the state at a certain stage of social development was caused by the need to protect the common interests of the ruling part of society. In a democratic and rule-based state, the latter is subordinated to the interests of all citizens and formed by state bodies entrusted with normative powers of the highest force. Therefore, the state is endowed the powers to ensure the common interests of all citizens who have led to the existence of such a state.

The provision of public and private interests takes place through the protection of subjective rights, the restriction of subjective rights, and the establishment of obligations for authorized persons. Accordingly, the right to ownership is a form of use of property that combines public and private interests through the interest of the subject in its implementation, the definition of the limits of the exercise of the right and duties entrusted to the owner, the availability of a mechanism for the protection of such a right.

The combination of public and private interests is most clearly revealed in the relation of private property to land, when through the possession of the main national wealth the private owner achieves the highest social effect. It is in private ownership that the interest of individuals and the state in preserving land and obtaining the highest result from its cultivation coincide. The state's activity in protecting the public interest in property relations envisages the creation of the most favorable conditions for the owner of the corresponding right, as well as the promotion of sustainable and efficient management, while the restriction of the corresponding right in the public interest should take place only in cases stipulated by the Constitution of Ukraine in accordance with the defined at the legislative level mechanism of such restrictions.

Keywords: ownership, private interests, public interests, balance of interests, binding content of law.

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