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FORMS OF PROTECTION OF PERSONAL NON-PROPERTY RIGHTS ENSURING THE SOCIAL EXISTENCE OF A POLICE OFFICER IN UKRAINE

Abstract. Purpose. The purpose of this article is to explore the forms of protection of personal non-property rights that ensure the social existence of a police officer in Ukraine. **Results.** The article examines the legal forms of protection of personal non-property rights that underpin the social existence of a police officer in Ukraine. The relevance of the chosen topic is emphasized, and the basic legal categories are defined. It is established that the protection of personal non-property rights refers to the legally enshrined capacity of an authorized entity to apply legal enforcement measures aimed at restoring the violated non-property right and terminating the actions that infringe upon it. A form of protection of an individual's personal non-property rights that ensure their social existence is recognized as a legislatively established system of coordinated actions undertaken by authorized bodies or the individual whose rights have been violated, aimed at restoring those rights, ceasing the violation, and ensuring compensation for the resulting damage. **Conclusions.** It is concluded that both jurisdictional and non-jurisdictional forms of protection may be applied to safeguard the personal non-property rights that ensure the social existence of a police officer in Ukraine. Jurisdictional forms of protection include judicial protection and administrative procedures, while non-jurisdictional forms encompass self-defense and notarial forms of protection. It is emphasized that the notarial form of protection of personal non-property rights that ensure the social existence of a police officer in Ukraine is preventive in nature, as it aims to safeguard the rights of police officers from future violations. This includes rights such as the promotion of legality and public order, the protection and safeguarding of essential rights and interests of the police officer, and the prevention of potential offenses. Since the object of protection cannot be fully restored, such protection must primarily focus on the prevention of violations of personal non-property rights that secure the social existence of a police officer in Ukraine.

Key words: civil law protection, forms of protection, jurisdictional form of protection, non-jurisdictional form of protection, self-defense, judicial protection.

1. Introduction

Among the key guarantees of the stability of civil legal relations, including personal non-property relations, is the assurance of the right to protection. In order to adequately safeguard human and civil rights, a public authority must exist—one created in the interest of all (Declaration of the Rights of Man and of the Citizen, 1798). A right declared by law but not supported by state enforcement mechanisms may be respected only by unauthorized members of society and thus acquire the nature of a morally protected right—anchored solely in the collective consciousness and reliant on the authority of public power.

We consider convincing the position of I.M. Vahanova, who emphasizes that in today's context, the issue of creating and improv-

ing the system of guarantees for the realization and protection of personal non-property rights of individuals—rights that ensure their social existence—has become particularly significant. The relevance of the topic concerning modern forms of protection of personal non-property rights that ensure an individual's social existence is explained not only by the necessity to define the possible courses and types of behavior available to individuals in response to rights violations, but also by the diversity of scholarly approaches to defining these forms (Vahanova, 2009).

Thus, identifying the forms of protection of personal non-property rights that ensure the social existence of police officers in Ukraine is both timely and of practical importance.

The issue of civil-law protection of personal non-property rights has repeatedly been the sub-

ject of scholarly discourse, including the works of such researchers as: Ch.N. Azimov, I.A. Bezkluby, D.V. Bobrova, T.V. Bodnar, V.I. Borysova, O.V. Dzera, A.S. Dovhert, I.V. Zhilinkova, V.I. Kysil, V.M. Kossak, O.V. Kokhanovska, O.D. Krupchan, N.S. Kuznetsova, I.M. Kucherenko, V.V. Luts, R.A. Maidanyk, V.F. Maslov, H.K. Matvieiev, O.O. Merezhko, O.A. Pidopryhora, O.O. Pidopryhora, O.A. Pushkin, Z.V. Romovska, M.M. Sibilov, S.O. Slipchenko, I.V. Spasybo-Fatieieva, R.O. Stefanchuk, Ye.O. Kharitonov, L.V. Fediuk, A.O. Tserkovna, S.I. Chornoochenko, M.L. Sheliutto, Ya.M. Shevchenko, S.I. Shymon, R.B. Shyshka, among others. However, the specific issue of determining the forms of protection of personal non-property rights that ensure the social existence of police officers in Ukraine has largely remained outside the scope of scholarly attention.

The purpose of this article is to examine the forms of protection of personal non-property rights that ensure the social existence of a police officer in Ukraine.

2. Jurisdictional Form of Protection of Personal Non-Property Rights

For the full development of personal non-property relations in society, it is not sufficient to merely grant subjects the ability to exercise their subjective civil rights. It is also necessary to provide them with the means to protect their rights and legally protected interests (Biriukov, 2000).

Ensuring the proper exercise of personal non-property rights is a fundamental condition for the normal functioning of an individual's private life, without which the individual cannot be considered a full-fledged subject of civil legal relations (Berestova, 2008).

This study begins by clarifying the concept of "form" (from the Latin *forma* – appearance, structure), which is a central philosophical category reflecting the internal structure and organization, as well as the mode of interaction between elements and processes of a phenomenon, both among themselves and with external conditions (Yaroshovets, 2012). In civil law, scholars such as A.I. Bazylevych and T.M. Yarova understand the form of civil-law protection of subjective civil rights and interests as a set of internally coordinated organizational measures for the protection of rights, which occur within a unified legal framework and are carried out either by authorized bodies or by the rights-holder themselves (Yarova, 2007).

Based on the foregoing, the form of protection of an individual's personal non-property rights that ensure their social existence should be understood as a legislatively prescribed system of coordinated actions taken either by the authorized bodies or by the individual whose rights have been violated, aimed at restoring such rights, terminating the viola-

tion, and ensuring compensation for the damage caused (Naumenko, 2014).

The protection of personal non-property rights that ensure the social existence of police officers is generally divided into two types: jurisdictional and non-jurisdictional (Kosenko, 2006; Shtefan, 1997).

The jurisdictional form of protection of personal non-property rights that ensure the social existence of a police officer in Ukraine involves the activity of state-authorized bodies to protect violated or disputed rights relating to the objects of personal non-property rights. The essence of this form lies in the individual whose rights and legitimate interests have been violated turning to state or other competent authorities empowered to take necessary measures to restore the violated right and to stop the offense (Zharov, 2000).

The jurisdictional form of protection entails the possibility of protecting civil rights through judicial or administrative procedures (Kulinich, 2016). As a general rule, the protection of civil rights and legally protected interests is carried out through the courts.

3. Judicial Form of Protection of Civil Rights

The judicial form of protection of civil rights is the most effective and advanced mechanism for safeguarding the rights, freedoms, and legitimate interests of participants in civil legal relations. Its effectiveness stems from the court's jurisdiction over all legal relations within the country, the ability to apply legal analogy and analogy of law, and the prohibition against denying justice due to legislative gaps, ambiguity, or contradictions in the legal norms governing the disputed relationship.

Judicial protection of civil rights and interests is the only principle of civil legislation that directly refers to the jurisdictional form of protecting the rights and interests of participants in civil relations in cases of their violation, non-recognition, dispute, or the threat of such circumstances. It also serves as the foundation for the implementation of all other principles of civil legislation in Ukraine.

Regarding the non-jurisdictional form of protection of civil rights, it should be noted that this entails protection through the actions of the rights-holder themselves, without recourse to state or other competent authorities. This form of protection of civil rights—including personal non-property rights that ensure the social existence of a police officer in Ukraine—applies in cases of self-defense and the application of immediate enforcement measures by the authorized individual (Bokovnia, Vasilenko, Huk, 2014).

In civil law doctrine, it is noted that self-defense is the primary non-jurisdictional form of protection of subjective civil rights and interests that are subject to legal protection (Borysova, Spasibo-Fatieieva, Yarotskyi, 2004).

A non-jurisdictional method of protecting intellectual property rights, for example, refers to extrajudicial protection exercised independently by the rights-holder (within the bounds of the law). Such protection must involve only lawful means, such as notifying the infringer of existing copyright, or offering to settle the dispute through negotiations (Bokovnia, Vasilenko, Huk, 2014).

4. Conclusions

In light of the foregoing, it can be concluded that both jurisdictional and non-jurisdictional forms of protection may be applied to safeguard the personal non-property rights that ensure the social existence of a police officer in Ukraine. The jurisdictional form of protection includes judicial protection and administrative procedures, while the non-jurisdictional form encompasses self-defense and notarial protection.

It should be emphasized that the notarial form of protection of personal non-property rights that ensure the social existence of a police officer in Ukraine is preventive in nature, as it safeguards the officer's rights from potential future violations. This particularly applies to such rights as the promotion of legality and public order, the safeguarding and protection of essential rights and interests of the police officer, and the prevention of possible offenses.

Since the object of protection (i.e., the personal non-property right) cannot be fully restored once violated, the priority in such cases should be the prevention of violations of the personal non-property rights that guarantee the police officer's social existence in Ukraine.

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ЗДІЙСНЕННЯ ОСОБИСТИХ НЕМАЙНОВИХ ПРАВ, ЩО ЗАБЕЗПЕЧУЮТЬ СОЦІАЛЬНЕ БУТТЯ ПОЛІЦЕЙСЬКОГО В УКРАЇНІ

Анотація. Метою статті є дослідження здійснення особистих немайнових прав, що забезпечують соціальне буття поліцейського в Україні. **Результати.** У статті досліджено здійснення особистих немайнових прав, що забезпечують соціальне буття поліцейського в Україні. З'ясовано, що особисті немайнові права, які належать суб'єкту, є складовою переліку суб'єктивних прав, становлять

реальне суспільне явище, виникають у зв'язку з належністю індивіду немайнових благ і слугують правовим механізмом забезпечення його соціального буття. Наведено ознаки особистих немайнових прав, що забезпечують соціальне буття поліцейського. Встановлено, що особисті немайнові права, що забезпечують соціальне буття поліцейського в Україні належать до групи виключних прав. Наголошено на особливостях здійснення окремих особистих немайнових прав, які забезпечують соціальне буття поліцейського в Україні. Зауважено, що зміст цих прав становить сукупність правомочностей, які належать фізичній особі як носієві вказаних прав. Наголошено на необхідності до немайнових прав зарахувати: право на свободу літературної, художньої, наукової та технічної творчості; право на свободу об'єднань; право на мирні зібрання тощо. **Висновки.** Зроблено висновок, що особисті немайнові права, що забезпечують соціальне буття поліцейського в Україні, належать до групи виключних прав. Зміст цих прав становить сукупність правомочностей, які належать фізичній особі як носієві цих прав. Вони охоплюють як позитивний аспект, що передбачає юридичне визнання за особою права на відповідне немайнове благо (право володіння), та можливість його використання (право користування) у межах, установлених законом, відповідно до призначення такого блага та з урахуванням особистих інтересів поліцейського, так і негативний аспект, який виявляється в праві вимагати від інших суб'єктів утримання від посягань на це благо, тобто забезпечує охорону від порушень. Наведені особисті немайнові права забезпечують соціальне буття поліцейського і мають такі особливості: особистісний характер, немайновість, специфічний об'єкт і цілеспрямованість на задоволення фізичних (біологічних), духовних, моральних, культурних, соціальних чи інших нематеріальних потреб (інтересу).

Ключові слова: особисті немайнові права, поліцейський, право на ім'я, право на зображення.

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