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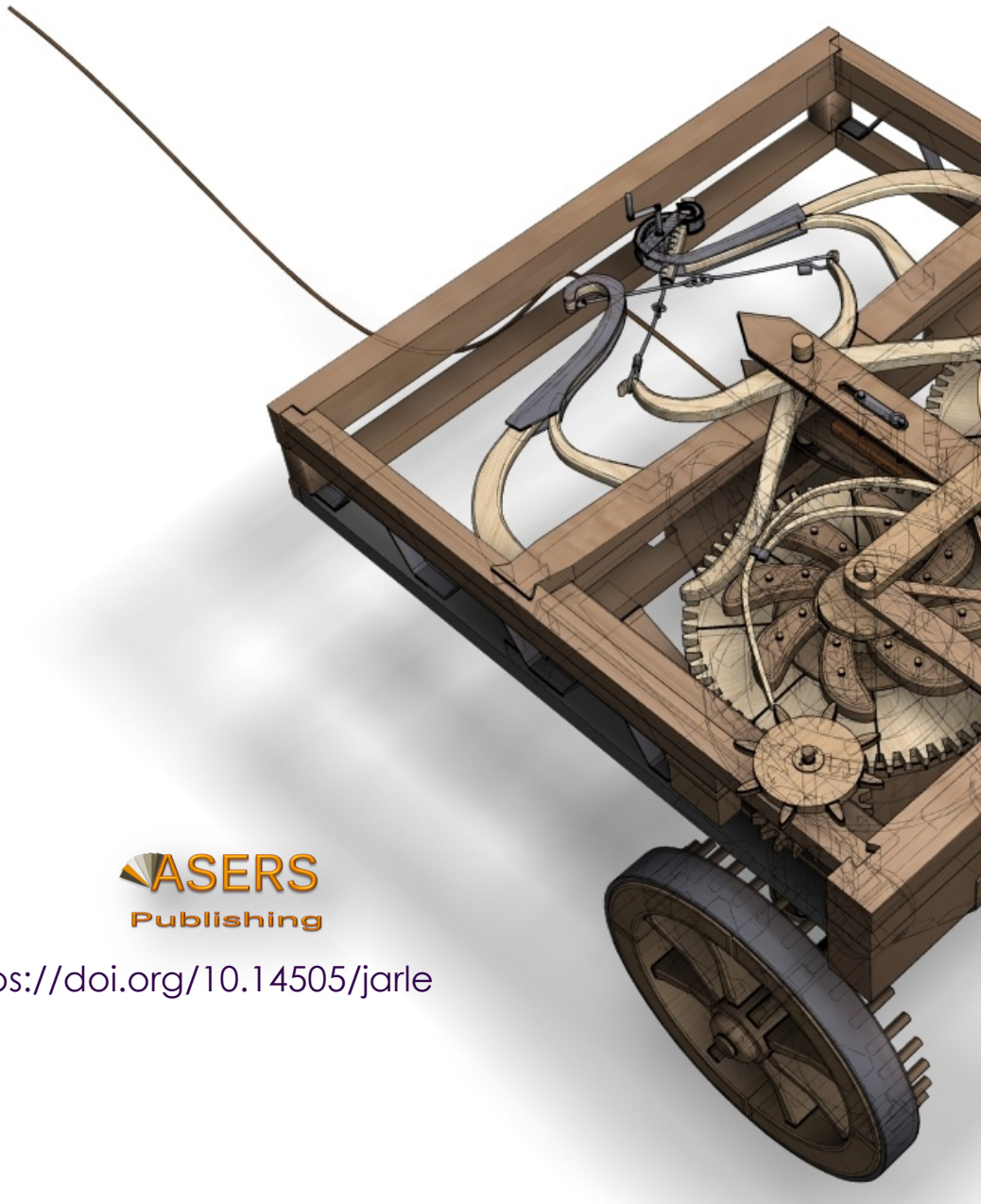

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Protection of Non-Property Right

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Abstract:

In the modern world, the significance of non-property right is very high because they are preconditions of providing the real freedom of ownership, freedom of agreement, freedom of entrepreneurship and all other rights in the material sphere of society. The article studies characteristic features of personal non-property rights of individuals. The notion of personal non-property rights of individuals has been formulated taking into account the features of this group of subjective civil rights, as well as their purpose. The main issues to be addressed in the study are the clarification of the specifics (features) of the object of protection, as well as the peculiarities of the protection of the named rights, the jurisdictional and non-jurisdictional forms of protection of personal non-property rights that ensure the natural existence of an individual. In the article, the notions of personal non-material benefit and personal non-property right have been formulated; the personal non-property rights, which provide the natural existence of an individual who is the object of protection, have been characterized in details; propositions regarding addressing certain legislative and practical gaps and contradictions have been presented. Also, the specific features and concepts of the protection of personal non-property rights that provide the natural existence of an individual have been determined.

Keywords: Civil Law; personal non-property rights of individuals; features of personal non-property rights; moral damage; types of defense.

JEL Classification: K36; K15.

Introduction

For a long time, personal non-property rights played a minor role in domestic private law. The Civil Code of the Ukrainian SSR in 1963, by general rule, protected only property-related personal non-property relations and was applied to other personal non-property relations only in cases directly foreseen by the law (Article 1 of the Central Committee of the USSR). Democratization of social life, the course on the establishment of a social and legal state could not react to such a selective and limited approach to the subject of legal regulation of civil law. Developers of the current Civil Law of Ukraine defined the place of the corresponding norms in the draft of the code in the view of the significance of personal non-property rights of a person in the course of her/his life (Akhmetov 2018). The civil code of Ukraine for the first time in domestic and post-Soviet practice of private law codifications devoted an

individual book to the regulation of personal non-property relations, because in today's world the importance of personal non-property rights is extremely high, because they are a prerequisite for ensuring real freedom of property, freedom of contract, freedom of business and all other rights that exist in the material sphere of society. This is the spiritual basis of society, which enables the full implementation of the principles of civil society. Exactly because of this, Art. 1 of the Civil Code of Ukraine mentions personal non-property relations before property ones. In other words, from the point of view of the developers of the new Civil Code of Ukraine, personal non-property rights are so important to civil society that they must precede property rights even by the location in the codified act (Kot 2018).

It seems that this approach best describes the role of personal non-property rights in today's developed private law. Of course, the above-mentioned concerns not only the regulation of personal non-property relations – in many respects, the fulfillment of the above functions as prerequisites for the proper development of property relations depends on effective protection of personal non-property rights. In this part it is possible to agree with the opinion expressed in the scientific literature that at present in Ukraine such a state of development of society just begins, but it is on the way to civil society. Under such conditions, a person regarded as the highest social value must be protected by all the powerful potential of law, including civil (Kuznetsova 2014). Consequently, this change of the paradigm in relation to personal non-property legal relationships could not leave aside regulation of the issue of the protection of these rights. At the normative level, this was reflected in the provisions of the Civil Code of Ukraine on how to protect subjective rights.

First of all, it is about the provisions of art. 275 of the Civil Code of Ukraine, according to which an individual has the right to protect his/her personal non-property right from unlawful encroachments of other persons. Protection of personal non-property rights is carried out by the methods established by Chap. 3 of the Civil Code. The protection of personal non-property rights may also be carried out in another way in accordance with the content of this right, the manner in which it was violated, and the consequences that was caused by this violation. Moreover, along with the amendments of procedural codes, the art. 16 of the Civil Code of Ukraine was updated (Pankevych 2018). Now it explicitly states that a court may protect civil law not only in the manner prescribed by law or by a contract, but also in cases stipulated by law, on the application of the right holder, the court may protect the violated right in another way that will be an effective way of protection. At the same time, as of today, in court practice, there are still a number of problematic issues, including the consideration of the features of legal protection defined in art. 275 of the Civil Code of Ukraine, which are unlikely to be considered as resolved. They need a thorough scientific analysis.

1. Analysis of Issues on the Possibility of Compensation for Moral Damage

Experience has shown that applying the provisions of the current CC concerning the protection of non-proprietary rights, in the consideration of litigation, and still there are questions about the possibility of compensation for non-pecuniary damage in contractual relations. According to the cl. 3 p. 2 art. 11 of the Civil Code of Ukraine, the grounds for the occurrence of civil rights and obligations, in particular, are causing property and moral harm to another person. Consequently, moral damage is a legal fact on the basis of which the obligation of the wrongdoer arises to compensate for the damage and the correspondent right of the victim to claim the reimbursement. At the same time, in the sense of Part 1 of Art. 23 of the Civil Code of Ukraine a person has the right to compensation for moral damage caused as a result of violation of his rights. The above general norms of the Civil Code of Ukraine testify that the causing of moral damage is an independent and sufficient reason for its compensation to the victim, regardless of the type of subjective right that was violated by a wrongdoer. Instead, cl. 1 part 1 of art. 611 of the Civil Code of Ukraine stipulates that in the case of violation of the obligation, the legal consequences established by the contract or the law come into effect, in particular: (1) termination of the obligation as a result of unilateral refusal of the obligation, if it is established by the contract or the law, or termination of the contract; (2) change of terms of the obligation; (3) payment of a penalty; (4) indemnification and non-pecuniary damage.

The mentioned legal consequences of the termination of an obligation, as a consequence of its violation, applies only if indicated in the contract or law, which follows directly from cl. 1, p. 1, art. 611 of the Civil Code of Ukraine, as well as provisions of art. 525, 615, 651 of the Civil Code of Ukraine. Changing the terms of the obligation requires similar preconditions according to article. 525, 651 of the Civil Code of Ukraine, as well as payment of a penalty (p. 1 of art. 548 of the Civil Code of Ukraine). Compensation for losses and moral damage as a consequence of a violation of obligation should also be conditioned by instruction about the application of this consequence either in a special law or in a contract. Such generalizing norm of law for binding legal relations to compensate for damages is part 1 of art. 623 of the Civil Code of Ukraine, according to which a debtor who violated the obligation should compensate the creditor for the damage caused. However, the corresponding generalizing instruction

regarding compensation for moral damage has not been made in the law. In turn, the provisions of art. 1167 of the Civil Code of Ukraine cannot be applied to the obligations of legal relations, since the subject of their regulation is the reaction to violations within the limits of absolute legal relations. Thus, taking into account the current civil law, the approach to resolving relevant cases, which are now perceived by the judicial practice, can be considered reasonable. At the same time, there are questions about how justifiable the legislator's approach is, and in this part of the question is not so unambiguous.

In favor of the fact that compensation for moral damage should not be the subject of a dispute within the framework of contractual or other binding legal relations, it can be noted that in these legal relationships the parties are always identified, and a creditor has only the right to claim a debtor, which is part of the content of the legal relationship. The right to claim is the right to demand a specific behavior of a debtor, so a creditor acts as a passive entity in the given legal relationship. If a debtor fails to fulfil his duty, he/she violates only the correspondent right of a creditor's claim, since there is no other subjective right in the relationship between them. Any arguments of opponents of this view can be reduced to the possibility of a debtor's violation of the absolute non-property rights of a creditor to honor, dignity, business reputation, etc., but they will be confronted with the fact that such violations, if they can be recognized, will be secondary (derivative) of the violation of correspondent duty of subjective right to claim. And this will mean the absence of a causal link between the failure of a debtor's duty and the violation of absolute non-property rights, which excludes the liability of a debtor. This logic would be flawless under one condition: if the law itself did not allow the possibility of compensation for moral damage in contractual obligations. It is not just about art. 4 of the Law of Ukraine 'On Protection of Consumer Rights', but also on a number of other norms.

Thus, compensation for moral damage in conditional (obligation) relations is admitted by the law in the case of moral damage in connection with the commission of an invalid transaction (Part 2 of Article 216 of the Civil Code of Ukraine). If a contract of sale was concluded, but a buyer was not provided with the opportunity to obtain complete and reliable information about the goods at the place of sale immediately (Part 3 of Art. 700 of the Civil Code of Ukraine), in case of moral harm by disclosure by the bank of information that is banking secrets (Part 2 of Article 1076 of the Civil Code of Ukraine), etc. There is a logical question why the law allows the reimbursement of this kind of damage in these cases, what is so special about them. The above justification in favor of the impossibility of compensation for moral damage in contractual relations, given the legal nature of these relationships, is generally reduced to nothing if we take into account that according to the provisions of art. 611 of the Civil Code of Ukraine compensation is still possible, and if provided by the contract itself. That is, even if all the cases listed in part 2 of art. 216, part 3 of art. 700, part 2 of art. 1076 of the Civil Code of Ukraine and other norms of legislation could be motivated by certain peculiarities of the corresponding legal relations, then the legislative resolution to resolve the issue of compensation for moral damage in the contract destroys this explanation of the legislator's approach. Based on the above, it is needed to emphasize once again: today the legal position of the courts regarding the impossibility of compensation for moral damage in contractual relations can be considered legitimate and well-grounded. At the same time, the norms of Ukrainian legislation in this part are not consistent and require a unified approach.

In our view, there are reasons to believe that according to general rule, compensation for moral damage is admissible when damage is in form of violation of personal non-property rights beyond boundaries of contractual relations, in particular, in cases of encroachment upon life and health (article 1168 of the Civil Code of Ukraine), encroachment on other personal property and personal rights (article 276, 280, 298 of the Civil Code of Ukraine), violation of property rights (article 332, 386 of the Civil Code of Ukraine) etc., that is, within the boundaries of absolute legal relations. At the same time, if moral damage has been caused as a result of violation of contractual rights, it is compensated only when directly established by law, in particular, by art. 4 of the Law of Ukraine 'On Protection of Consumer Rights'. Despite this problem, it should be recognized that compensation for non-property damage remains one of the most common ways of protecting personal non-proprietary rights. In such cases, in our view, the question of the amount of compensation for damage is always problematic that I conditioned by not the problems of legislative technique in the formulation of the relevant rules of law but by the complexity of the calculation of the corresponding amount because it is impossible to formulate the corresponding rule of law differently than through the use of evaluative concepts. At the same time, the degree of 'evaluative character' of such concepts as 'mental suffering', 'humiliation of honor and dignity' is extremely high, and the court in making a decision and determining the amount of monetary compensation should establish not only them, but also the nature of an offence, the depth of physical and mental suffering, deterioration of a victim's abilities or deprivation of his/her ability to implement them, the degree of guilt of a wrongdoer, the requirements of reasonableness and justice, and other circumstances that are essential (Part 3 of Article 23 of the Civil Code of Ukraine). It follows from the above

that literally all the criteria for determining the amount of monetary compensation for non-property damage are of an evaluative nature.

In particular, the high specialized Court of Ukraine for civil and criminal cases, according to the results of the analysis of the court practice in cases of non-property damage caused in connection with health damage during the performance of labor duties, found that courts of different areas determined different sizes of moral compensation for victims with the same loss of professional ability and the same group of disability. That is, even in cases where the authorized institution determines the degree of incapacity of the victim in percent, for the same corresponding indicators, courts may determine very different amount of non-property damage compensation (Analysis of judicial practice in cases 2011).However, such a difference in the amounts of compensations has a corresponding basis, since the amount of moral damage compensation depends not only on the actions of a wrongdoer, but also on their perception by a victim. On the contrary, it is stranger that the difference in the amount of compensation is observed between courts of different areas, and not in different cases. In our opinion, every case of non-property damage a priori belongs to the category of complicated cases, and the court's approach should be individual in every case, since the court must determine what kind of compensation will allow 'repairing' of suffering of a victim due to his/her moral damage.

In addition, in the context of the analysis of judicial practice in cases on the protection of violated personal non-property rights both parties of civil legal relations and courts do not always use all the potential of rules of the current legislation. In particular, the protection of the relevant rights is understood only as monetary compensation for non-property damage, while in accordance with part 3 of art. 23 of the Civil Code of Ukraine moral damage is compensated by money, other property or other means. Given the mentioned above, it is interesting that the European Court of Human Rights is also actively using 'other means' for non-property damage. Among other things, the approach outlined in paragraph 36 of the judgment of 25 November 1993 in Holm v. Sweden is quite widespread: The Court's task is not to suggest whether the District Court would decide the law of the applicant in his favor in considering the case in another composition. In any case, the Court agrees with the Government that the recognition of a violation of article 1, article. 6 of the Convention itself is sufficient satisfaction (Judgment Holm v. Sweden 1993). In our opinion, the appropriate form of compensation for non-property damage may also be used by national courts in resolving relevant disputes, with reference to part 3 of art. 23 of the Civil Code of Ukraine.

2. Practical Application of Refutation of Misinformation

Refutation of misinformation has very important place among the ways to protect personal non-proprietary rights is to refute false information. In the practice of using this method of protection, there are also some problems. First of all, when applying the relevant rules of the law, the courts sometimes change their content, as a result of which the protection of victims' rights is unjustifiably restricted. Thus, in one of the cases, by a decision of the district court, which was left unchanged by the court of appeal; the claim was partially satisfied, information in the defendant's complaint to the Donetsk Regional Prosecutor's Office and in an application to the Secretariat of the President of Ukraine, the Security Service of Ukraine, the General Prosecutor's Office Ukraine and Prosecutor's Office of Donetsk region about the plaintiff was considered inadequate. The actions of the defendant regarding the misinformation about the plaintiff in the complaint and application are considered to be unlawful and degrading the business reputation. The defendant was charged in favor of the plaintiff 2 with 000,00 UAH compensation for non-property damage, the remaining claims were dismissed.

However, the Supreme Court of Ukraine disagreed with this taking into account the conclusions of the courts of previous instances. According to art. 277 of the Civil Code of Ukraine, an individual whose personal non-proprietary rights are violated as a result of dissemination of inaccurate information about her/him and (or) her/his family members, has the right to reply, as well as to refute this information. In violation of the requirements of the law, the courts did not take into account that the application of a person to law enforcement authorities for the protection of his/her rights violated by a person, as well as witness testimony in the preliminary investigation, cannot be considered as the spread of false information, unless it is established that the actual purpose of these actions was humiliation of honor, the dignity and business reputation of a certain person. The issues of refutation of information reported to law enforcement authorities and the compensation for damage caused by these actions in order to protect personal non-property rights are debatable. At the same time, the motives imposed by the Supreme Court of Ukraine on the basis of the relevant decision cannot be considered indisputable. In particular, quoted by the court part 1 of art. 277 of the Civil Code of Ukraine does not establish the right to reply or refute false information depending on the purpose of the action of the person who disseminated this information. It is necessary to take into account only the fact that the personal non-property rights of the person were violated as a result of these actions.

From the practical perspective, it is also problematic to determine the reasonable boundary between the right to freedom of speech (and similar rights) and the right to refute misinformation. In resolving disputes of this category, for courts this question, in essence, is reduced to the application of art. 277 of the Civil Code of Ukraine in the system connection with the provisions of the legislation on information and the Convention for the Protection of Human Rights and Fundamental Freedoms. Thus, according to Art. 10 of the Convention, everyone has the right to freedom of expression. This right includes the freedom to uphold opinions, receive and impart information and ideas without interference by public authorities and regardless of frontiers. In turn, according to art. 30 of the Law of Ukraine 'On Information' no one can be held accountable for the expression of value judgments. Value judgments, with the exception of defamation, are statements that do not contain factual evidence, critique, evaluation of actions, as well as statements that cannot be interpreted as containing factual data, in particular in view of the nature of the use of language-stylistic means (usage of hyperbole, allegory, satire). Value judgments are not subject to refutation and proving of their truthfulness.

Taking into account the above mentioned, the problem is the need to delineate in each particular case misinformation that is subject to refutation, from valuation judgments. Different approaches to the qualification of similar statements in national courts and the European Court of Human Rights demonstrate it. Thus, under the circumstances of one of the cases, the plaintiff appealed to the court with a claim on the protection of honor, dignity, business reputation and refutation of inaccurate information, referring to the fact that in the plenary session of the Verkhovna Rada of Ukraine in the speech of the people's deputy (the defendant) he was extended to him and his family have negative information about committing corrupt acts. The plaintiff considered the above information to be false, negative, and due to the lack of proper evidence – unreliable, which was based on rumors, unfounded statements, disgracing the dignity, honor and business reputation of him and his family, as a result of which the specified information is to be recognized false and refutable.

The decision of the district court, which was left unchanged by the decision of the court of appeals, in the satisfaction of claims was refused. The Supreme Court of Ukraine noted that the plaintiff was a politician and a public figure, thus leaving it open to strict criticism and vigilant public oversight, and the limit of permissible criticism of such a person is much wider. The defendant as a people's deputy of the Verkhovna Rada of Ukraine, in accordance with the powers given to him by the law in the process of discussing the issue of the central government, expressed his opinion on the serious problem that has recently been discussed by society, experts and political scientists, including in the city council, whose chairmanship was the plaintiff. The purpose of the defendant's statement was to draw the attention of people's deputies and the public to the serious problem that existed in the city council and which he learned from the media. Therefore, dismissing the claim, the courts correctly proceeded from the fact that in this case, the defendant in the process of discussing the situation that was formed in the city council and was discussed by the public and in the press, as can be seen from his statement, expressed his opinion on this issue. In the information disseminated to him, there was no image and slander at the plaintiff's address. In addition, in accordance with the requirements of art. 277 of the Civil Code of Ukraine the plaintiff is not limited in the right to respond to such information (The decision of the Supreme Court of Ukraine 2010).

Without touching upon the assessment of the court decision in this case in general, we note that one of the reasons for its adoption was that accusations of corruption were judgments, and not information that could be refuted. At the same time, the European Court of Human Rights in paragraph 46 of the decision in the case of Sirik v. Ukraine noted that although the applicant's letter contained serious allegations of corruption, illegal misappropriation of public funds and other misuse of office, the responsibility for which was imposed on officials of the Academy, there were also statements that can reasonably be called value judgments. In particular, it was argued that the Vice-Rector of the Academy had unfairly treated the students and their parents and was legally incompetent (see, mutatis mutandis, the decision of 27 May 2004 in the Visez-Aiszarzibas Club v. Latvia case, application no. 57829/00, 46). Despite the fact that according to Art. 47-1 of the Law of Ukraine 'On Information', value judgments are not subject to verifying their truthfulness, the courts have charged the applicant with the fact that she had not proved the truthfulness of her allegations, although they did not analyze whether these allegations could be assessed judgments (Decision on the Case of Siryk 2011). As follows from decision, the European Court of Human Rights has divided the allegations of facts of corruption from value judgments.

The analysis of the above-mentioned decisions gives grounds to conclude that the provisions of art. 277 of the Civil Code of Ukraine should be applied in a system connection with the provisions of art. 30 of the Law of Ukraine 'On Information', which defines sufficiently clear criteria for distinguishing value judgments from inaccurate information, as well as the practice of the European Court of Human Rights. If the cause of the legal conflict is the statement about facts, and not the assessment of the activity or events in general, even if these expressions are emotional, they cannot be qualified as value judgments, and courts should check the validity of statements about

relevant facts. Moreover, it is necessary to take into account the conclusions of the European Court of Human Rights, set in pp. 41 and 42 of the decision on the case 'the Ukrainian Press Group v Ukraine'. These provisions show that in its practice, the ECHR does distinguish between facts and value judgments. If the existence of facts can be confirmed, the truthfulness of value judgments cannot be proved. The requirement to prove the veracity of judgmental judgments is impracticable and it violates the freedom of expression as a fundamental part of the law protected by art. 10 of the Convention. However, even if the statement is a value judgment, the proportionality of the intervention should depend on whether there is a sufficient factual basis for this. Depending on the circumstances of the particular case, the expression, which is a value judgement, may be exaggerated in the absence of any factual basis (Decision on the case Ukrainian Press Group 2005).On the basis of the above, it can be stated that even if to recognize expressions or reports as value judgments, it is impossible to claim for their refutation only under the general rule, which also has its exceptions, and the presence of the latter should be judged by the court.

3. Analysis of Court Decisions Regarding the Use of Such a Method of Protection as an Apology

In the context of features of protection of personal non-property rights, applying of such a method of protection as an apology is also interesting but ambiguous. Thus, in the circumstances of one of the cases, the plaintiff appealed to the court with the claim to the district department of the Ministry of Internal Affairs of Ukraine, the individual and the Main Directorate of the Ministry of Internal Affairs of Ukraine in the Dnipropetrovsk region on the protection of honor, dignity and non-pecuniary damage, referring to the fact that during three years he served in the district department of the Ministry of Internal Affairs of Ukraine as a district inspector in the rank of police captain. In the assembly hall of the department on November 04, 2005, during a meeting on the activities of the district inspectors service, the lieutenant colonel of the police (one of the defendants) in the presence of his colleagues allowed offensive speeches at the address of the plaintiff, which humiliated his honor and dignity as an officer, a worker of the internal affairs of Ukraine, as well as a person and personality. The plaintiff requested the court to recover from the department of the Ministry of Internal Affairs of Ukraine non-property damage in the amount of 10,000.00 UAH, to recognize the statements of the lieutenant colonel of the police to the plaintiff during the meeting as defaming the plaintiff's honor and dignity, and to oblige the lieutenant colonel of the police publicly, in the same manner in which he hurt him, apologies to him.

Cancelling court decisions regarding the satisfaction of a claim on the defendant's obligation to apologies to the plaintiff and accepting in this part a new decision to refuse a claim, the Supreme Court of Ukraine proceeded from the fact that, according to art. 19 of the Constitution of Ukraine, legal order in Ukraine is based on the principles under which no one can be compelled to do what is not provided for by law. The court has no right to oblige the defendant to apologies to the plaintiff in one form or another, since forcible apologizing as a method of judicial protection of dignity, honor, or business reputation for the distribution of inaccurate information is not provided for in art. 16, 277 of the Civil Code of Ukraine. The court has no right to oblige the defendant to apologies to the plaintiff in one form or another (Decision of the Supreme Court of Ukraine dated June 16 2010).The above case is largely characteristic of describing an existing problem. Similar conclusions were made by the Supreme Court of Ukraine in other cases (Decision of the Supreme Court of Ukraine dated February 3 2010; Decision of the Supreme Court of Ukraine dated May 6 2010; Danilchenko 2016). As it was noted, during the decision-making the Supreme Court of Ukraine was guided by the requirements of art. 16, 277 of the Civil Code of Ukraine, which do not foresee apologizing as a method of judicial protection of dignity, honor or business reputation for the distribution of inaccurate information. Since these rules do not really provide guidance on the appropriate way of protection, this conclusion is well-founded.

At the same time, firstly, as far as is seen from the content of the court decision, the basis of the claim was not misinformation (article 277 of the Civil Code of Ukraine), but the use of offensive statements by the defendant at the plaintiff's address in the presence of colleagues. So, the question should be about the application of not art. 277 of the Civil Code of Ukraine, but the provisions of art. 297 of the Civil Code of Ukraine, according to which everyone has the right to respect of his dignity and honor; the dignity and honor of an individual are inviolable; an individual has the right to apply to a court with a claim to protect her dignity and honor. Secondly, references to art. 16, and the absence of the possibility of using non-statutory remedies (in particular, the obligation to apologies) in it during the consideration of the case by themselves cannot be regarded as sufficient grounds for refusal to satisfy a claim, since in the case of the protection of personal non-property rights, special provision of art. 275 of the Civil Code of Ukraine should be applied. As already noted, according to this norm, the protection of personal non-property rights may be exercised not only in the ways set forth in chap. 3 of this code, but also in another way in accordance with the content of this right, the manner of its violation and the consequences of this violation. When

considering such cases, the court should also take into account that its decision should not violate the personal non-property rights of the defendant. However, in cases similar to the circumstances of the given case, the plaintiff may not be interested in monetary compensation or the very decision of the court to declare his personal non-property rights violated, since from the side of a chief to use offensive language or lice in relation to a subordinate in the presence of subordinate colleagues testifies about humiliation. This conditions similar claims, which, in so far as they require the obligation to apologize to the plaintiff, are aimed at restoring dignity and honor in the appropriate human community.

Conclusions

The legislation of Ukraine on the protection of personal non-property rights is not limited to the provisions of the Civil Code, it includes a large array of special regulations, in particular: the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the Protocols to the Convention, the Law of Ukraine of February 23, 2006 'On the implementation of decisions and the application of the European Court of Human Rights practice', the decision of the European Court of Human Rights, etc. Protection is a legitimate reaction of subjects of civil law relationships to the wrongful conduct of the offense any person, a carrier of personal non-property rights, independently implements it, in the same way, at its own discretion, determines the form and method of protection of the violated law. The effectiveness of protection is to take into account the nature of the right that is protected.

Taking into account the above, the peculiarities of personal non-property rights, as well as their purpose, provided for by civil law and legal science, namely, their focus on ensuring the natural existence of an individual, the social being of an individual or satisfaction of other spiritual, moral, cultural needs of individuals, the following definition of personal non-property rights is the most complete and reflect the essence of the investigated phenomenon the best: the personal non-property rights of individuals are subjective civil rights that are closely linked to an individual, belong to it from birth or on other grounds provided by law, have no economic content, the object of which is personal non-property or other intangible benefits, and which are aimed at ensuring the natural existence of individuals, social existence of individuals, or at satisfaction of other moral, cultural, spiritual needs of individuals.

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