

P. Guyvan

Temporal characteristics of the relations connected with the use of another's property

This article discusses the ownership and use of another's property as defined on the basis of title, and without it. The author defines conceptual problems of legal regulation of ownership of non-titular alien thing. Also the author proposes to ensure balance between the interests of the owner and a bona fide purchaser for a more coherent legal mechanism.

In the modern civil legislation of Ukraine there is a system of protection of subjects' rights in possession of another's property. This protection is inherent not only the title holder (users), but also to those who do not have the appropriate legal basis at the time. By these mechanisms include chapter 31 of the Civil Code, which directly qualifies as possession of another's property right (without limiting it only title ownership), Institute of acquiring title to a bona fide entity disposing of invalid (art. 330 Civil Code), the mechanism of protection against debt collection (art. 388 Civil Code), acquisitive prescription (art.. 344 Civil Code). However, an adequate balance between these institutions has not yet been achieved, largely due to a certain duplication and ambiguity of statutory language.

Key words: bona fide purchaser, vindication, possession of another's property.