SUMMARY

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Subject matter:

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The relevance of the research topic: The state protection of human and civil rights and freedoms is guaranteed. Everyone has the right to protect their rights and freedoms in all ways not prohibited by law (article 45 of the Constitution), everyone is guaranteed judicial protection of his rights and freedoms (part 1 of article 46 of the Constitution).

In the sources of civil law there are substantive rules governing the methods, means and forms of legal protection. It is necessary to improve the protection of participants in civil law relations using a variety of legal forms, means and methods, fully applying permissive (permissive, legal) mechanism of civil law regulation, as well as civil law measures and sanctions.

The task of modern civilists is to make a worthy contribution to the development of the Russian legal doctrine to protect the rights and legitimate interests of the individual. It is necessary to study the essential characteristics of the civil law mechanism for the protection of rights, its constituent elements, links, methods, techniques, means and conditions.

In recent years, our country has done a lot of legislative work aimed at creating effective legal means to restore the violated rights of individuals and legal entities. Increased interest in this issue and in the legal literature.

The realities of today's life require an adequate approach to the protection of human rights, a comprehensive study of the mechanism of ensuring civil rights, the use of international legal standards of protection, constitutional human rights norms and sectoral (civil) achievements.

The purpose of the work: the work is based on a comprehensive analysis of normative and scientific sources to identify and study the means and methods of civil protection.

Objective:
- identify the concept and features of the protection of subjective civil rights;
- explore ways to protect civil rights;
- to consider basic methods of civil defense (recognizing an avoidable transaction as invalid; award to discharge of duty in nature; indemnification; penalty; termination or modification of the legal relationship) and to determine their characteristics;
- make proposals to improve the legislation.

The theoretical and practical significance of the research: the research is determined, first of all, by the systematic approach to the analysis of the issues of protection of rights in civil law, which suggests the possibility of solving on this basis a number of problematic issues in the field of creating effective legal means to restore the violated rights of individuals and legal entities.

The results of the study can be used in the study of civil law, as well as aimed at improving civil law.

Results of the study: 1. Means of protection of civil rights (in a broad sense) – a set of techniques, institutions and activities of subjects of law on their application and use, aimed at restoring the violated subjective civil law, to suppress the illegal actions of the offender, provided by the state and expressed in the form of action or refusal to act.
2. Means of protection of civil rights (in the narrow sense) is a system of elements consisting of forms, order and methods of protection of property and personal non-property rights of subjects of civil relations.
3. Forms of expression of remedies are both actions and omissions of subjects aimed at protecting the right.
4. Methods of implementation - implemented through their application and use by subjects of law. Civil law means are used by the subjects of law only after the subjective civil law has
already been violated.
5. The freedom to choose a remedy arises due to the principles of independence and dispositivity of participants in civil turnover, as well a result of the normative consolidation in multiple sources of various types of remedies and individual rules of their choice by subjects of law; subjects - used by a wide range of subjects: participants in civil relations (citizens, legal entities, public legal entities).
6. The unity and totality of all these features reveal the specifics of civil rights protection. Means of protection of civil rights are divided depending on the relationship for the protection of which they are intended, ie, from the features of the object of protection of the following types: a) civil remedies for property rights (wealth); b) civil remedies for personal non-property rights (intangible benefits).
7. Depending on the form of protection, civil remedies are divided into legal and non-legal, jurisdictional and non-jurisdictional, material and procedural, judicial and extrajudicial. The jurisdictional means of protection of civil rights are those that can be applied only by applying to the competent state bodies, to officials (judicial bodies, Prosecutor's office, administrative bodies, etc.). The use of jurisdictional civil remedies is permitted only in the manner prescribed by law.
Non-jurisdictional civil remedies include those that can be used either by the subject of law or with the involvement of other persons: self-defense, mediation, involvement of independent experts, etc.
8. There are three main groups of means of protection of civil rights: a) direct - civil remedies directed directly by the subject of the right to the offender in order to demand from him a certain behavior (self-defense, measures of operational impact, etc.); b) judicial - civil remedies aimed at restoring the violated rights with the help of judicial authorities; C) alternative - civil-law means of protection, which are used by other authorized bodies (mediators, the Federal Antimonopoly service, the Federal service for intellectual property, patents and trademarks, the Commissioner for human rights, etc.).
9. Depending on the status of the protected entity, the following means differ: 1) means of protection of civil rights of individuals; 2) means of protection of civil rights of legal entities; 3) means of protection of civil rights of public legal entities.
10. Differentiation of civil-legal means of protection of property rights from means of protection of personal non-property rights is as follows.
First, they differ in basic functions. Civil-legal means of protection of property rights mainly perform a compensatory function and are aimed at restoring the financial position of the person, his property status. Restore these rights in full is possible in contrast to non-property rights. The predominant function of the means of protection of personal non-property rights is restorative, since it is important for the subjects of protection to return the existing intangible benefit to its original state, which was before the violation, through material resources. Compensation to do this is almost impossible.
Secondly, the means of protection of property rights are characterized by a universal set of methods of protection enshrined in article 12 of the Civil code. It is possible to restore the property status of a person in all the ways specified in this article. On the contrary, if the protection of moral rights does not appear to be the use of such means of protection as award to discharge of duty in nature, vindication, negatory claim. However, the range of civil remedies for personal non-property rights is supplemented by non-standard methods: refutation of defamatory information, publication of a court decision, seizure of counterfeit products, etc.
Third, both civil remedies for property rights and remedies for personal non-property rights can be exercised in both jurisdictional and non-jurisdictional forms. Moreover, for the implementation of these remedies is typical and judicial and administrative procedure, but if the protection of property rights can equally be carried out in courts of General jurisdiction, arbitration courts, arbitration courts, for the protection of personal non-property rights to a greater extent characterized by the resolution of cases in courts of General jurisdiction.
Administrative order of any extraordinary distinctive signs no.
Fourth, self-protection and the use of operational measures are typical for the protection of property rights. Protection of personal non-property rights can be carried out with the help of such civil-legal means as self-defense, the use of operational measures to protect intangible benefits is excluded.

**Recommendations:** - It is proposed to divide Chapter 2 of the Civil code of the Russian Federation "the Emergence of civil rights and obligations, the implementation and protection of civil rights" into two paragraphs: § 1. Implementation of civil rights and obligations (include articles 8, 9, 10); § 2. Means of protection of civil rights (other articles). The second paragraph will begin with article 11, "Protection of civil rights". The following content is proposed:
1. In order to restore violated or disputed civil rights, citizens and legal entities have the right to use civil rights protection.
2. Protection of violated or disputed civil rights is carried out in court by the court, arbitration court and arbitration court in accordance with the jurisdiction of cases established by procedural law.
3. The protection of violated or disputed civil rights is carried out in an administrative manner in cases provided for by law. An administrative decision may be challenged in court.
4. Citizens and legal entities whose rights have been violated or challenged have the right to independently, without recourse to the competent authorities, protect their civil rights through legitimate self-defense and operational measures.
- In addition, it is necessary to disclose the grounds for the use of each method of protection, for which an additional 7 articles should be introduced.