

## NATURE OF ABUSE OF RIGHT IN LEGAL DOCTRINE OF UKRAINE

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*The theoretical approaches to the definition of the abuse of rights in legal doctrine of Ukraine are studied in this article. The author analyzes the abuse of right and its qualifying features. The problems and the prospects of the conception's of abuse of the right further development in national legal science are determined.*

***The abuse of right, the subjective right, the objective right, the limits of the exercise of right.***

Last time chances of using individual and juridical body own rights for purposes other than that intended has become greatly more frequent.

Subjects of legal relations use own positive law received rights quite not for achieve those purpose which established a lawyer in contain of legal norm. Whereas the quantity of subjective and juridical bodies are permanently, increase there is a probability that chances of using own rights for purposes other than that intended will also increase. In the legal science, this event called 'abuse of right». Just a necessity of learning legal nature of abuse of right induce actuality of examination was conduct by us. Absence receive a prior consent of approaches to definition notions and evidences of abuse of right, specialities of exposure and cancellation its certain ostents are require research of legal nature abuse of right within the frame theoretical concept of abuse of right in the legal theory of Ukraine.

**The basic concern** of the article consist of theoretically legal research of scientist approaches to understanding legal nature abuse of right.

The problems of qualification abuse of right and its legal effects attended rank of snitzy scientists. However, special monographic research of this phenomenon just from such positions yet go far. Although last time appear some basic works of this problematic, all the same there are rank of problems, which attach basic aspects of understanding abuse of right, which stay unsettled. In order that understand what in fact, abuse of right represents try to define some attributes which characteristic it and differentiate from other legal events. Analysis of set attributes of scientists point of view allows in some detail to find way into the nature of researching event, but from practical point of view let right qualified one or another actions as abuse of right.

Analysis of scientist research allow to draw conclusion one and the same evidences abuse of right investigate by certain scientists as basic, another scientists – as non-binding, and the third as such that have not behavior to researching event.

For example in the frame of the one theoretical concepts abuse of right is consider as 'usual delinquency' and so regard that its attributes as a general principle may not differ from basic attributes of delinquency ( public security, illegality, guilt, punishment). Other scientists investigate abuse of subjective right as 'special kind of delinquency', which except mentioned attributes must have additory ( malicious of action, regulatory direction to purpose of enjoyment subject right, violation by officer a range of exercise rights).

On the our mind, the most important to stay on characteristics of universal event's speciality which relegate analysis as well as such that relevant verbally to all actions which qualified as abuse of subjective

right. In this case, discourse must move about those regulatory attributes without whose more than one abuse cannot be called this one.

For basic attributes which characterize abuse of right as legal event are: infliction by subject in the process of enjoyment of subject right a harm to other participants of social relations (personality, society, government etc.) and also enjoyment a certain subjective right across its assignment. All of this allow to formulate a definition abuse of right under which should be in the sense that such way of enjoyment of subjective right across with its assignment whereby the subject inflicts harm to other participants of social relations.

In the course of incurred research was established analysis attributes abuse of right from scientists point of view allow in some detail to find way into nature of researching event, but from practically point of view give a way right to qualified one or another events as abuse of right.

In conclusion, the next research nature 'abuse of right' from point of view of theory of right and its specification, separation rank of speciality, to create conditions for the next widening practice of using concept abuse of right at juridical practice and also give necessary knowledge for improvement norms of legislation in power with purpose optimally and effective security rights of participants legal relations and also prevention of events abuse of right by any part of legal relations.