Self-defense of a Personal Non-property Right to a Safe Natural Environment

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*The Civil Code of Ukraine* in the art.19 determines self-defense as using by a person reaction means, which are not illegal and immoral. Self-defense is o form of civil rights defense. Self-defense is thought to be a quick, effective and thrifty way to defend someone’s rights. Though the content of civil self-defense is still little explored; as a rule, scientists sidestep this problem, paying attention only to justifiable defense and extreme necessity.

*The* *Constitution of Ukraine* in the art.50, *The Civil Code of Ukraine* in the art.293 and *The Natural Environment Protection Act* in the art.9 guarantee Ukrainian citizens and other natural persons right to a safe natural environment.

Self-defense of a personal non-property right to a safe natural environment – is a form of defense of a mentioned personal subjective right, which means using any possible reaction means, which are not illegal and immoral, aiming to stop or interrupt an abuse of this right or an encroachment on it, renewal of a right and redress of an injury, made by such an abuse or an encroachment. The list of self-defense methods includes justifiable defense, other methods, stated in law (e.g. suppression of action, which abuses a right, restoration of the position which existed prior to the violation of a right, redress of an injury, applying to appropriate state bodies for [removal of a threat](http://www.multitran.ru/c/m.exe?t=3692132_1_2&s1=%F3%F1%F2%F0%E0%ED%E5%ED%E8%E5%20%F3%E3%F0%EE%E7%FB) to life, health and property etc.), and personally created methods. Methods of self-defense of a personal non-property right to a safe natural environment do not include an extreme necessity. This is because according to the Civil Code of Ukraine an extreme necessity may take place only when a person protects someone other’s interests, but not her own; meanwhile you cannot protect other person’s right to a safe natural environment not protecting your own at the same time. The situations of justifiable defense for a personal non-property right to a safe natural environment are hardly proved today, because historically the justifiable defense institute was created for situations of great and sudden danger. Never the less, they are hardly possible as well, because in situations of threat to a life, health or property *The Civil Code of Ukraine* orders not to act independently, but to apply to transgressor for [removal of such threat](http://www.multitran.ru/c/m.exe?t=3692132_1_2&s1=%F3%F1%F2%F0%E0%ED%E5%ED%E8%E5%20%F3%E3%F0%EE%E7%FB), and if he declines – to apply to appropriate state bodies for [removal of such threat](http://www.multitran.ru/c/m.exe?t=3692132_1_2&s1=%F3%F1%F2%F0%E0%ED%E5%ED%E8%E5%20%F3%E3%F0%EE%E7%FB), redress of an injury and/or banning of activity, which is the source of threat.

Injury, done to a transgressor in case of self-defense, shall be taken to be lawful, if a person is in a state of justifiable defense; if another methods for self-defense of a personal non-property right to a safe natural environment were used, injury, done to a transgressor, would be taken to be lawful, if that injury was as low as practicable for immediate interruption of an abuse or an encroachment, and any other methods at that very moment were impossible or ineffective. In all other cases injury to a transgressor is taken to be unlawful and must be redressed on a common basis. If in time of self-defending a person did injury to other person, this injury must be redressed by a transgressor; but if self-defense methods were though legal and moral, but didn’t meet the requirements, stated in par.1 part 2 art.19 of *The Civil Code of Ukraine*, such injury must be redressed by a person, which caused injury.

At the same time, taking into attention specific features of civil law defense of a personal non-property right to a safe natural environment, stated by us in this article, further development of legislation in this sphere should take the way of limitation possibilities for self-reaction to encroachments on rights in favor of jurisdictional defense.

**Key words:** civil law defense, self-defense, personal non-property right, safe natural environment, justifiable defense, extreme necessity.