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CONCEPT AND NATURE OF CULTURAL PROPERTY IN CIVIL LEGISLATION OF UKRAINE

The relevance of the research of cultural values can be explained primarily by the fact that traditional cultural values is a matter of high public interest. They have attracted attention as a center of creativity of mankind, irreplaceable part of the material world, which lies at the heart of cultural diversity. Interest in issues of legal regulation of cultural values is explained by the specificity of these objects. On the one hand cultural values is a civil matter, which means the regulation of their civil rights on the basis of its inherent discretionary principle. On the other hand, the cultural values of the objects of protection from the state because of their this area of administrative law, with his characteristic imperative method. Thus, the regulation on civil law regime of cultural property in private law and order certain elements used along with the right public.

Besides it is important for the classification of things individually identified and generic. Cultural values are to be classified as individually defined things as they: a) are unique things (things, one of a kind); b) there are things that are different from the like on several grounds; c) things are isolated from the mass of similar things with them; d) often is real estate.

The most important of mentioned signs of cultural values is their uniqueness. Uniqueness may have different nature, in particular, it may be: 1) natural origin (individual specimens processed precious stones); 2) mediated by human activity (the famous work of fine art and 3) associated with any specific human factors (such as personal belongings of a famous person). Thus, the uniqueness can identify the cultural values of the totality of other things.

