

Ownership Claim

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The paper analyses the objective of an ownership claim – “to declare ownership rights.” According to the literal meaning of law, the claim can be brought by the present owner, still, in the court practice and in legal science this provision is interpreted broader, including a reference to the former owner. Due to this reason the borderline between an ownership and a restitution claim is lost, although in essence they are different.

The paper examines borrowings from the German and Swiss law and attempts to construct the so-called “claim on rectification of a land register record” in the Latvian law. Lately the court practice has gradually abandoned this idea by giving preference to protection of the acquirer in good faith, which excludes rectification of a land register record during the trial of an ownership claim. The legal science has also moved into this direction by proposing the respective amendments in the Civil Law.

The paper analyses a competition of claims. It is concluded that mostly such competition is only ephemeral. Claims on protection of possession, on execution of a contract and on unjust enrichment are independent claims. Each of them has different aims, and these claims cannot achieve the result that would be ensured by the ownership claim.

Keywords: *Actio in rem, rei vindicatio, restitution, Publiciana in rem actio, negatoria actio, rectification of a land register record, acquisition in good faith, condictio sine causa.*