






LEGAL MECHANISMS FOR THE PROTECTION OF PROPERTY EXPECTATIONS IN THE LIGHT OF MODERN LEGAL REFORMS: A SYSTEMATIC REVIEW

 Dmytro Lutsenko ^{(a)†}  Krystyna Rezvorovych ^(b)  Maksym Melnyk ^(c)  Mariia Vovk ^(d)  Yuliia Sushytska ^(e)

^(a)Doctoral Candidate, Academician F.H. Burchak Scientific Research Institute of Private Law and Entrepreneurship of National Academy of Legal Sciences of Ukraine, Kyiv, Ukraine; E-mail: 5522nauka165@gmail.com

^(b)Doctor of Law, Associate Professor, Head of the Department of Civil Law, Dnipro State University of Internal Affairs, Dnipro, Nauky Avenue 26, Ukraine, E-mail: krystyna.rezvorovych@dduvs.edu.ua

^(c)PhD Student in Law, Interregional Academy of Personnel Management, Kyiv, Ukraine; E-mail: melnykmp@gmail.com

^(d)Associate Professor, Department of Civil and Legal Disciplines, Educational and Scientific Institute of Law and Law Enforcement, Lviv State University of Internal Affairs, Lviv, Ukraine; E-mail: mzvovk@gmail.com

^(e)Senior Lecturer, Department of Law and Law Enforcement, Zhytomyr Polytechnic State University, Zhytomyr, Ukraine; E-mail: yulyasushic@gmail.com

ARTICLE INFO

Article History:

Received: 29th August 2025

Reviewed & Revised: 29th August 2025
 to 7th December 2025

Accepted: 9th December 2025

Published: 12th December 2025

Keywords:

Property Expectations, Property Rights,
 Legal Protection Mechanisms, Modern
 Legal Reforms; Rule of Law, Systematic
 Review

JEL Classification Codes:

K11, K12, K15, K20

Peer-Review Model:

External peer review was done through
 double-blind method.

ABSTRACT

The study of legal mechanisms for protecting property expectations is an urgent task for modern legal science, as in the context of reforms and legal uncertainty, guaranteeing expected property rights becomes particularly important. Existing theoretical approaches and law enforcement practice reveal contradictions in the interpretation of the concept of "property expectations" and its relationship to the "legitimate expectations" category used by the European Court of Human Rights. In this regard, there is a need for a comprehensive analysis of legal instruments that ensure an appropriate level of protection of expected property rights. The purpose of the study is to clarify the possibilities of modern legal development in providing adequate protection for property expectations. The work uses the PRISMA methodology to form a sample of scientific sources. The study included 45 sources of various types (monographs, empirical and review articles, conference proceedings), selected according to precise criteria. The chronological framework was 2016–2025. The results showed that regulatory approaches to protecting property expectations are based on the implementation of a set of principles and individual mechanisms. The quantitative ratio of protection instruments was established: 42% of the studied sources emphasize civil law mechanisms, 31% - administrative law, and 27% - judicial mechanisms. The decisions of the ECHR play a significant role, using the Convention for the Protection of Human Rights as an instrument to guarantee property expectations.

© 2025 by the authors. Licensee CRIBFB, USA. This open-access article is distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<http://creativecommons.org/licenses/by/4.0>).

INTRODUCTION

Modern legal mechanisms for protecting property expectations are crucial components of a comprehensive legal system. They shape the stability of legal relations and protect citizens' rights regarding expectations about specific material goods or rights. In the current legal environment, shaped by numerous reforms, the issue of legal support for these expectations is a pressing concern. Specifically, regulatory uncertainty, legislative conflicts, and the nuances of judicial practice pose challenges to the effectiveness of property interest protection. Property expectations refer to individuals' anticipation of obtaining property or rights arising from specific legal facts, even when these expectations are not guaranteed.

This requires a systematic review of existing legal mechanisms for protecting property expectations. The relevance of this study arises from ongoing legal changes in Ukraine, including judicial reform, improved property legislation, and enhanced protection of citizens' rights (Haltsova et al., 2024).

A review of current legal reforms has shown that changes in legislation and court practice are creating new challenges for the protection of property expectations (Bondarenko et al., 2022; Dolgoplova et al., 2020). For example,

[†]Corresponding author: ORCID ID: 0009-0003-9881-8467

© 2025 by the authors. Hosting by CRIBFB. Peer review under responsibility of CRIBFB, USA.
<https://doi.org/10.46281/bjmsr.v11i1.2763>

reforms in civil law and the judicial system can increase or decrease the level of rights protection. At the same time, the lack of precise legal regulation of property expectations in several cases leads to inevitable conflicts in legislation (Gaman et al., 2022).

The main argument of this study is that existing legal mechanisms for protecting property expectations are fragmented and lack a systematic perspective. This is especially true in light of recent global legal reforms. Such fragmentation hinders adequate legal protection and creates substantial gaps in both legislation and judicial practice. Therefore, the goal of this study is to analyze how modern legal reforms affect these mechanisms, identify existing shortcomings, and evaluate the effectiveness of the legal framework in supporting the realization of citizens' property expectations.

Thus, the purpose of the study is to analyze the main legal mechanisms for protecting property expectations through the lens of modern reforms and determine their effectiveness for ensuring citizens' rights. The research question is: What legal mechanisms exist for protecting property expectations? How do modern legal reforms affect the mechanisms for their protection? What approaches do different jurisdictions use to ensure the stability of property expectations? What problems and shortcomings exist in the legal regulation of this area?

To tackle these questions, the study uses a combination of systematic review (using PRISMA methods), comparative legal analysis across various jurisdictions, doctrinal analysis of laws, and synthesis of system approaches to build a comprehensive conceptual framework.

The study has several parts. First, it identifies key scientific gaps. It reviews recent research and theoretical views on property obligations. Results outline the main legal mechanisms for protecting property expectations in Ukraine and analyze primary international legal instruments. The discussion compares these findings with those from other recent studies. Study limitations are also noted. Conclusions highlight key findings and suggest avenues for future research.

LITERATURE REVIEW

Modern authors have defined the role of property expectations in law using legal, economic, and socio-legal approaches. From a legal perspective, Barak-Erez (2005) described the main types of interests protected under the doctrine of legitimate expectations in administrative law. When assessing the autonomous development of administrative law in this context, the distinction between interests of trust and expectations created in private law should be considered.

However, since relevant factors in these two situations differ, the protection of trust and expectations in administrative law should not simply extend to private law. Other authors have discussed the significance of interests, trust, and expectation in administrative law, especially regarding limits on administrative discretion. This is followed by outlining the differences between them and the reasons for their protection (Boone, 2018; Iasechko et al., 2022). The authors pointed out that legitimate expectations are protected by administrative law. Modern works have shown that the conceptual division between interests of trust and expectations in private law is also helpful in administrative law (Prokopenko, 2022). Given public interest in avoiding restrictions on administrative discretion, the protection of "pure" expectations is sometimes successful, but its scope is limited. The analysis of the considerations supporting the preservation of trust and expectations generally forms the basis for the proposed interpretation of the theory of reasonable expectations.

Some works define property expectations from the perspective of economic expediency and efficiency of the legal protection system. For this reason, according to Iasechko et al. (2022) and Baranov et al. (2020), protecting expectations supports the predictability and stability of economic processes. Ilie (2021) noted that property expectations are capital investments with economic value. The socio-legal approach interprets property expectations as a socially significant category. It reflects the balance between private interests and public needs. Several works have shown that protecting property expectations guarantees social justice (Henckels, 2023; Lutsenko et al., 2025). Additionally, some authors recognize the priority of public interest over private expectations in cases such as land regulation (Cousins, 2021; Liu et al., 2022).

In the legal system, protecting property rights is vital to the security of investment. Modern works note that the European Court of Human Rights (ECHR) and national approaches across countries play a significant role in this system. The main criteria of the ECHR for the protection of property expectations indicate the existence of reasonable expectations. In particular, the authors determined that expectations should be grounded in law: regulations or administrative decisions (Dugeri, 2020). Other studies point to the criteria of proportionality of restrictions and legitimate expectations. The point is that the state has the right to limit property expectations, but only within reasonable limits and in accordance with the principle of proportionality (Sysoiev et al., 2024; Vicente, 2022). The German legal system is based on the principle of 'protected legitimate expectations' (Schutz des Vertrauensschutzes). In this legal framework, protection is granted in cases where a person acted based on legitimate promises made by the state. At the same time, the German Constitutional Court recognizes property expectations related to state subsidies and tax benefits. The French Council of State (Conseil d'État) has a concept of 'protection of trust' (protection de la confiance légitime), like the German model. In British law, the concept of legitimate expectations refers to situations where the government has promised certain rights or benefits. When the state changes policies that affect individuals' legitimate expectations, this can be challenged in court (Kolichala, 2020; McDougal et al., 2019). The case of *R v. North and East Devon Health Authority, ex parte Coughlan*, influenced the consolidation of the rule that state promises must be fulfilled or compensated. Modern theoretical studies of property show that the understanding of property rights now goes beyond the classic property rule model. It now includes regulatory, access, and expected interests that need special legal certainty guarantees. In this regard, it is necessary to examine how different branches of law ensure the stability of property expectations.

One important area of research is public, communal, and collective property. Works devoted to the nature of communal property have focused on the distinction between ownership rights, management powers, and beneficiaries' expectations that arise in complex multi-level governance models (Skliarenko, 2019). Similar issues arise in the area of collective intellectual property rights of indigenous peoples, where protecting property expectations is inextricably linked to legal policies and mechanisms for the official recognition of traditional knowledge (Ibrahim & Israhadi, 2024). At the same time, criminal law enforcement of intellectual property is seen as a tool for maintaining predictability and stability of property interests in the creative and innovative sectors (Cvetkovic, 2016). A significant body of literature is devoted to the doctrine of "legitimate expectations" in public and administrative law. Classic works have recognized that legitimate expectations limit the discretion of administrative bodies (Mairal, 2010). The influence of legal culture on the scope of protection of legitimate expectations has shown that different jurisdictions produce different patterns of the relationship between discretion and predictability. Comparative studies in the United States and Europe have noted differences in how property, expectations, and legal certainty are understood (Vicente, 2022).

A separate, highly developed branch of international law is international investment law. Within the framework of a fair and equitable regime, protecting investors' legitimate expectations is central (Rajput & Malhotra, 2019). Other authors have recognized the limitations of this protection so that it does not prevent states from exercising regulatory powers (Haltsova et al., 2024). Studies of the institutional reform of investment law show that the current system provides only a partial balance between investor expectations and public interests (Puig & Shaffer, 2018). In works on investments in the sustainable development of Ukraine's agricultural sector, investor expectations are analyzed through the prism of the balance between production, consumption, and regulatory guarantees (Lavrov et al., 2022). Even studies on e-learning during martial law demonstrate how emergency regulations shape subjects' expectations in the legal field (Kaminsky, 2024; Prokopenko, 2022).

The updated legislation further emphasizes the practical dimension of the problem in Ukraine. Ukrainian laws aim to strengthen the legal status of investors and buyers in the field of future property. However, the complete correspondence between the Ukrainian approach to property expectations and the ECHR's doctrine of "possessions" and "legitimate expectations" remains unclear and requires further analysis. In general, property expectations are studied across various branches of law, but these areas remain fragmented. Thus, the authors analyzed the concept of property violations through the prism of different theoretical approaches. The authors pointed out that, in general, all models emphasized the need for compensation in cases of violating legitimate property expectations. Previous research on property expectations has generally focused on analyzing the theoretical aspects of legitimate expectations in property rights. In general, the topic of property expectations is not popular among scientists; instead, it has a national character. In particular, the keywords "protection of property expectations", "law", and "EU" were entered into the Scopus database. A total of 53 scientific literature articles were obtained. Accordingly, 4 clusters were obtained in the VOSViewer system. The first one concerned the humanities (philosophy, history, theology, sociology) with political and economic concepts.

That is, in the study of rights and property expectations, this cluster indicated the philosophical and legal foundations (values, historical contexts, political economy of law). In the next cluster, a combination of keywords from politics and economics was envisaged. This is rather an "interdisciplinary" block. The key here is: economy and growth (economic growth, market economy, economic policy). This is suitable for arguing the economic significance of legal stability (that investment expectations stimulate growth). The third cluster revealed a business-legal dimension. This is purely law + business: EU, intellectual property, international trade, finance, administration. The fourth cluster contains a purely legal dimension. There are only a few keywords here: Convention, human rights, law, law and economics, and political science. Thus, it is clear that more scholars have covered this topic through the prism of humanities and economics; however, there is little research through the prism of law (see Figure 1).

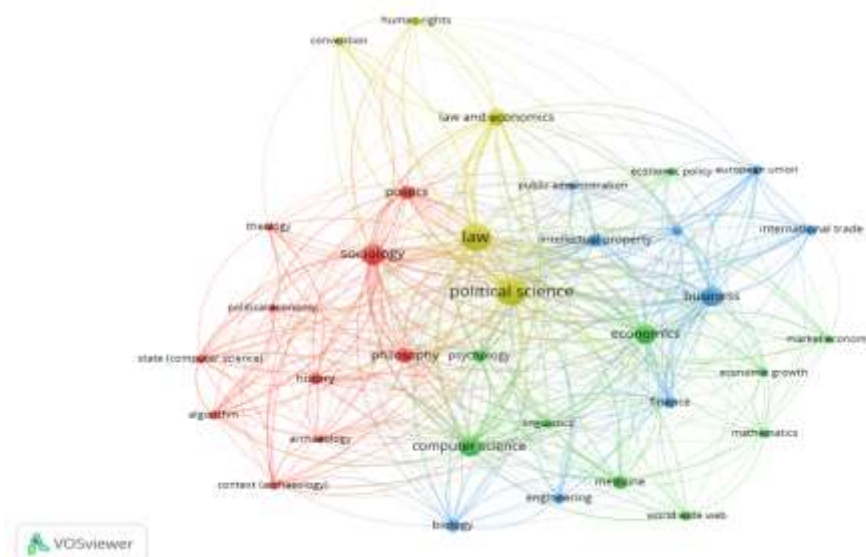


Figure 1. Clusters of keywords related to property expectations and legal protection (Scopus, search query)

However, several key gaps limit understanding of this research problem and underscore the need for further study. Scholars have described the issue of property expectations in a stable legal environment, while the impact of legal reforms on their protection remains insufficiently studied. The study of significant legislative changes, court practice, and administrative decisions may affect the realization and recognition of property expectations. This requires a broader systematic analysis. This study will fill these gaps and identify the main legal mechanisms for protecting property expectations in light of current reforms.

Therefore, the purpose of the study is to conduct an inter-system analysis of modern legal mechanisms for protecting property expectations, taking into account Ukrainian reforms. The main hypotheses are as follows:

H₁: Jurisdictions in which property expectations are recognized as a separate type of protected interest, and provide higher predictability and integrity of the mechanisms for their protection.

H₂: Integration of the doctrine of legitimate expectations from public and investment law into national regulation increases the stability of property expectations in contractual and investment relations.

MATERIALS AND METHODS

The study is qualitative, involving a systematic analysis of existing scientific articles, monograph chapters, and analytical materials. A systematic review was chosen because current research is scattered across different legal systems, case law, and theoretical approaches. Accordingly, a systematic review will enable the qualitative collection and structuring of information from various scientific sources. In addition, such an approach is essential for identifying the main patterns in the existing mechanisms for protecting property expectations in different legal systems. The systematisation of scientific knowledge will help to avoid the fragmentation present in previous works.

Sample and Materials

The study used a mixture of purposive and criterion sampling. Purposive sampling involved the inclusion of scientific sources of various types:

- Scientific articles
- Chapters from collective monographs
- Analytical articles
- Legal documents

The inclusion criteria pertained to the content of scientific papers, their thematic relevance, the type of scientific source, and the time of their creation. The criterion of chronological boundaries was not consistently applied; however, it was not applied to fundamental theoretical works. The primary focus was on the inclusion of English-language and Ukrainian publications (with an English-language abstract). Table 1 presents the main criteria for inclusion of scientific sources.

Table 1. Criteria for Inclusion of Scientific Materials

Criterion	Description
Thematic and content relevance	Sources should address the main legal aspects of property protection, including analysis of case law, particularly the activities of the ECHR and national courts, as well as legislative reforms.
Chronological boundaries	Sources from 2016 to 2025. This criterion was created to include the most relevant modern scientific literature
Geographical coverage	Sources that analyze Ukrainian realities and those of EU countries are included. Sources without a clear geographical focus are also included.
Type of sources	Sources of various types are provided for inclusion: articles, chapters from collective monographs, analytical reports, and legal documents.
Peer-reviewed	An essential criterion for inclusion is that publications must appear in recognized journals that practice anonymous review.

At the same time, the criteria for excluding scientific sources included rejecting publications that were not thematically relevant, lacked scientific novelty, or were duplicates. In addition, popular journalistic materials lacking a scientific basis were excluded from the study. Table 2 presents the main criteria for excluding scientific sources.

Table 2. Criteria for Excluding Scientific Materials

Criterion	Description
No thematic relevance	The study describes only general aspects of property rights, without considering basic property expectations.
Non-peer-reviewed publications	Sources that have not undergone proper peer review were rejected for inclusion.
Popular journalistic materials	Popular journalistic materials that lack a proper academic basis are excluded from the study.
Shots and unverified sources	Outdated or unverified documents that have lost their relevance or validity.
Language of writing	All publications written in languages other than Ukrainian and English were rejected.

Tools and Procedures

The PRISMA methodological approach was used to search for, collect, and screen sources. Scientists around the world recognize this methodological approach and use it to conduct clear searches for relevant scientific materials. This tool was chosen because it provides a clear study structure and avoids selective coverage of materials. For a systematic review that involves searching for a large number of sources, transparency in the methodology can be ensured precisely by the PRISMA

approach. To do this, the scientometric databases used for the search were Scopus, Google Scholar, and Web of Science. The following keywords were entered into the search queries: property expectations, legal expectations, reforms, protection of expectations, law, judicial implementation, and legal mechanisms. A total of 2486 results were obtained. First, all duplicates were rejected (-581). Then, all scientific materials unrelated to the research issues were rejected. This was done based on the analysis of abstracts and keywords (-689). Then, all irrelevant sources that did not correspond to the issues were rejected (-414). After that, precompiled exclusion criteria were used, covering thematic and content relevance, mandatory peer review, relevance, and validity. The language of writing was English or Ukrainian, depending on whether an English-language abstract was provided.

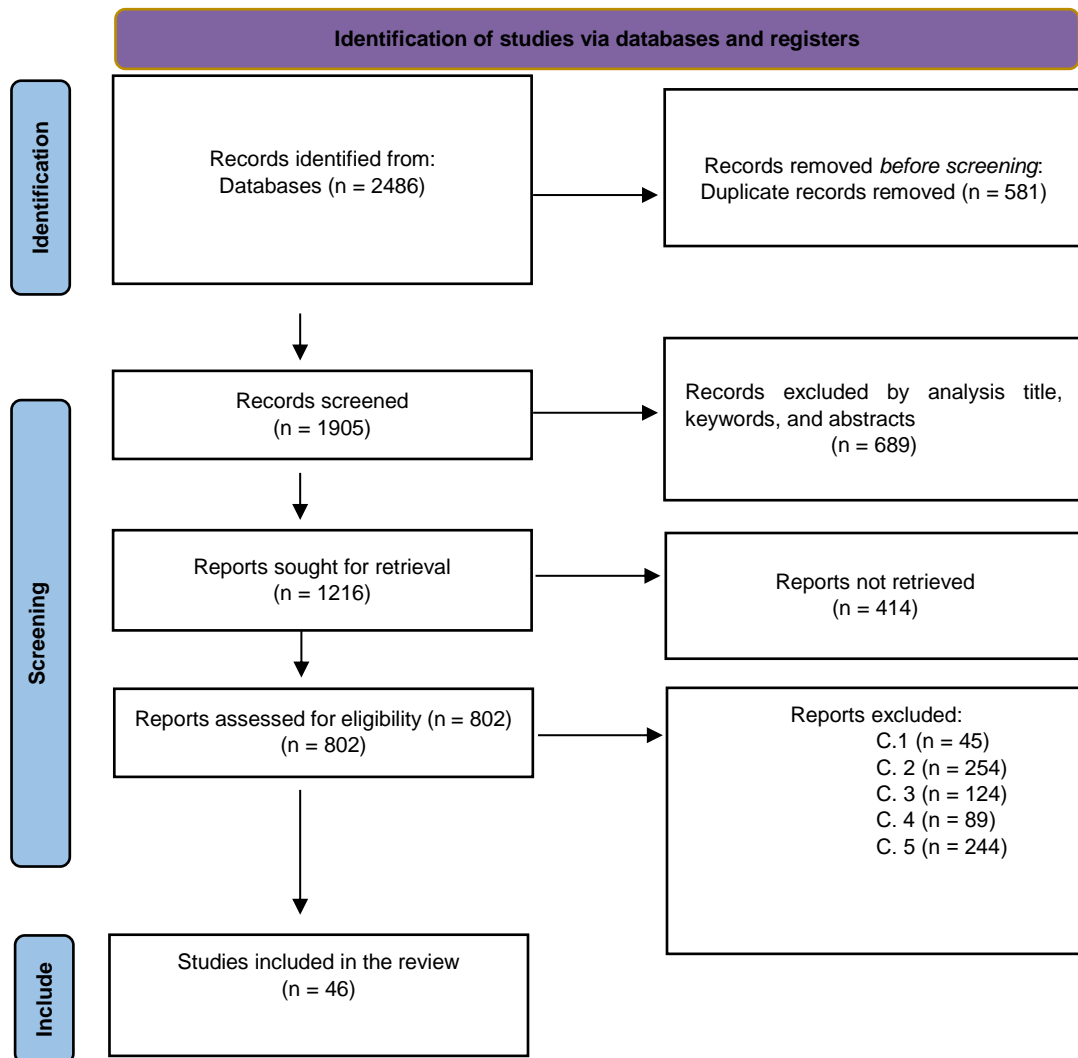


Figure 2. The Process of Collecting and Searching for Scientific Sources

Data Analysis

Thematic analysis was used to analyze the data. This method was used to identify and interpret significant thematic blocks in modern text data. For this, Excel software was used to build tables with basic codes. The first stage involved familiarization with the data (careful reading of scientific texts), coding (highlighting significant fragments of the texts), and the creation of basic codes: principles of legal certainty, legitimate expectations, protection of the bona fide acquirer, legislative regulation, contractual mechanisms, and conflicts of legal regulations. These codes enabled the analysis of expectations regarding property protection. After that, the basic codes were grouped into themes, and a general structure of the themes was drawn up: legal approaches to the protection of property expectations, instruments for the protection of property expectations, international standards of protection, and case law. The identified key themes were then verified and refined, and individual relationships between themes were explored. An interpretation of the significance of each theme within the chosen research problem followed this. To verify the consistency of this thematic analysis, the κ coefficient (Cohen's Kappa) was used to measure the level of consistency in the data coding. This involved independent experts who analyzed the text data and generated codes. Overall, a $\kappa \geq 0.7$ was obtained, indicating substantial agreement between the codes. This was followed by a comparative analysis of the results obtained with the data presented in the scientific literature.

RESULTS

Property expectations are separate legal interests associated with the possibility of obtaining the necessary property rights or other legal benefits in the future. Property expectations are formed based on contracts, certain investment agreements, the adoption and implementation of authorities' decisions, or other facts from legal practice that create new rights to possess material goods. First, they note the acquisition of the right to use property, receipt of payments or other forms of income, property and property shares, and the acquisition of other assets. The researchers note that the legal status of property expectations is a controversial issue, since an expectation arising from a contract or other act does not constitute a completed property act but already has specific legal values and may therefore be protected under the law. In many countries (including Ukraine), property expectations are recognised by the legal system and are subject to civil law regulation. On this basis, property expectations are protected by legal mechanisms.

The importance of adhering to property expectations for the functioning of the legal system lies in ensuring the stability of legal relations. Another essential task is to protect the interests and property rights of participants in civil transactions, as well as to promote economic development by guaranteeing the fulfillment of certain obligations, thereby ensuring the predictable functioning of legal relations and relevant legal consequences (Romaniuk et al., 2024). Globally, the protection of property expectations leads to a significant stimulation of investment activity and the development of contractual relations at the national level.

The legal framework for protecting property expectations is based on several key principles. First and foremost, property expectations are protected through specific legal mechanisms that ensure compliance with the obligations outlined in the agreement and regulate the process for compensating losses resulting from certain contractor violations. These mechanisms for protecting property rights are outlined in Table 3.

Table 3. Mechanisms for the Protection of Property Expectations

S.N.	Legal instruments	Description
1	Civil	1. The very first tool is to ensure the protection of contracts. Researchers note that this approach involves implementing obligations, establishing precise mechanisms for declaring agreements invalid, and imposing separate fines or other sanctions for complete disregard of contract terms or for partial fulfillment. 2. Implementation of mechanisms for compensating damages or providing clear rights to compensation for losses incurred or lost profits resulting from violations of property norms. 3. The importance of judicial proceedings in identifying facts of violation of certain rights or obligations assumed.
2	Instruments	1. Use of mechanisms for appealing decisions of state authorities, which will ensure the protection of property expectations resulting from the recognition of invalid or illegal decisions of state institutions that affect the applicant's rights. 2. Conducting licensing and permitting procedures that respect the rights of individuals in the fields of regulating entrepreneurial activity, investment, and other related areas.
3	Administrative	1. The relevance of claims for recognition of property expectations, which allows for the application of court decisions to confirm or protect existing property expectations. 2. Control over claims, which will enable the prevention of abuse, corruption, and the obtaining of unlawful benefits due to law violations.

Source: Summarized by the authors based on the works of Prokopenko (2022)

Therefore, the legal possibilities for the practical application of legal instruments to protect property expectations will strengthen legal certainty in the performance of legal actions. At the same time, this will also help increase trust in the functioning justice system and create the necessary investment climate.

The practice of fulfilling property expectations may vary. For example, the Law of Ukraine "On guaranteeing property rights to real estate objects that will be constructed in the future" No. 2518-IX. (2022) clarifies the process of registering owners of apartments in newly constructed buildings and establishes specific legal grounds for transparent and safe investment principles. The law introduced some innovations, including a 'special property right' that effectively regulates the property expectations of private investors from developers. However, researchers have noted that adopting such a law does not guarantee investor rights.

It is more promising to draw on the experience of European countries, where property expectations are ensured by requiring that the investor receive the property (investment object) promptly. Separate legal mechanisms may include risk insurance for the builder (developer), the use of surety bonds (in the form of a compensation guarantee or a completion guarantee), full financing of construction by the builder, and the subsequent sale of housing (granting of ownership) only after its final commissioning.

Table 4. Main legislative acts and international documents on the protection of property expectations

S.N.	Regulatory act/source	Jurisdiction	Key provisions for the protection of property expectations
1	Civil Code of Ukraine (2003)	Ukraine	Defines property rights and obligations, the grounds for the emergence of property expectations, mechanisms for protecting rights through the court, compensation for losses, and declaring contracts invalid.
2	Law of Ukraine "On guaranteeing property rights to real estate objects that	Ukraine	Establishes a "special property right" for investors in new buildings, ensures transparency of investments in construction, and determines the procedure for registering future owners.

	will be constructed in the future" No. 2518-IX (2022)		
3	Council of Europe. (1950). Convention for the Protection of Human Rights and Fundamental Freedoms. Council of Europe. (1952). Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Article 1 (Protection of property).	Council of Europe / ECHR	Protects property rights and introduces the concept of "legitimate expectations" as a protected object, used by the European Court of Human Rights.
4	European Court of Human Rights. (2004). <i>Kopecký v. Slovakia</i> (Application No. 44912/98).	ECHR	Formulates criteria for recognizing expectations as "legitimate"; emphasizes the difference between potential rights and real "legitimate expectations".
5	European Court of Human Rights. (2003). <i>Stretch v. the United Kingdom</i> (Application No. 44277/98). R	EU	Formulates criteria for recognizing expectations as "legitimate"; Regulates investment activities; creates guarantees and mechanisms for appealing violations; protects investment expectations.
6	Bilateral Investment Treaties (BITs)	Ukraine and other states	They protect foreign investors' investment expectations, recourse to international arbitration (ICSID, UNCITRAL), and stabilization provisions.

An important aspect is the adoption of investment protection agreements. Such agreements should include the right to recognise the property of foreign investors. The descriptions may include services provided or to be provided by a foreign investor, loans, various tangible assets, receipt of payments, etc., with obligatory consideration of stabilising clauses aimed at ensuring investment stability and compliance with the legal conditions for investment. It is essential that at the interstate level, investment agreements directly refer to international jurisdictional bodies and arbitration courts for the resolution of investment disputes. Applying to them is mandatory for all parties to the agreement.

The current legal reforms in Ukraine, aimed at strengthening legal regulation and increasing the efficiency and transparency of judicial proceedings, are crucial to guaranteeing the stability and security of property expectations. The effects of the reforms can be seen in several important areas. Firstly, improving the legal framework involves adopting new legislation and revising existing legislation better to define the rights and obligations of the parties, eliminate ambiguities, and strengthen the protection of property interests. Secondly, strengthening judicial protection will enable more efficient case consideration, reduce the likelihood of corruption, and ensure a fair resolution of conflicts over property expectations (Civil Code of Ukraine, 2003). Third, introducing measures to protect investors' rights, including through international arbitration and clarifying procedures for concluding investment agreements, will provide greater predictability and reliability in legal interactions. Fourth, further reforms in permitting, registration of rights, and licensing will minimise bureaucratic obstacles, ensuring faster, more transparent access to the exercise of property rights. Fifth, guarantees of fulfilment of property expectations can be effectively strengthened by introducing new security instruments (such as risk insurance and custody systems) and processes for overseeing the fulfilment of contractual obligations. Thus, legal reforms play a significant role in maintaining the security and stability of property expectations and in creating a predictable and fair legal environment.

Another vital vector for consideration of property expectations is existing case law. In particular, the judgments of the European Court of Human Rights are essential, as they use the Convention on Human Rights to protect property expectations. However, when used in national legal systems, such decisions will require special attention. Since member states have different legislation and sometimes belong to different legal systems, the provisions of the Convention are generally formulated in broad terms. Court decisions are usually not based on a strict or literal application of the Convention, including the definition of property (Cvetkovic, 2016; Dugeri, 2020). In the interpretation of the Convention, an important category is 'legitimate expectations', which should be distinguished from the expectation to acquire property. Accordingly, the ECtHR notes that persons who have property rights or property interests may be considered to have legitimate expectations of successful enforcement of claims when there are sufficient grounds for this interest in national law. At the same time, property expectations cannot be considered legitimate if there is a dispute over the correct interpretation and application of national law (Artemchuk et al., 2024).

Therefore, the concept of 'property rights of expectation', which is actively used in Ukrainian court practice, should not be equated with the concept of 'legitimate expectations' used by ECHR judges to protect property rights under Article 1 of Protocol 1 of the Convention on Human Rights. The reason for this distinction lies in the different principles of interpreting Convention norms, the peculiarities of Ukrainian national legislation, and doctrinal interpretations of property and property rights. In such circumstances, applying ECHR norms in the Ukrainian context to protect property expectations may be difficult.

DISCUSSIONS

Modern opportunities for investment and guarantee activities require appropriate legal regulation, which is ensured, among other things, by the functioning of property expectations. The issue is quite complex to study, as practices in national legal systems may differ significantly. The purpose of this article is to analyze the legal mechanisms for protecting property expectations in the light of modern legal reforms. To achieve this goal, the author examines the issues related to the study of generalised legal mechanisms for the protection of property expectations; the impact of reforms on the stability and security of property expectations; and trends in international case law (how courts interpret property expectations).

The article demonstrates that in the modern scientific literature, it is generally accepted that property expectations are separate legal interests associated with the possibility of obtaining the necessary property rights or other legal benefits

in the future. Legislative measures to protect property expectations include implementing several principles and specific mechanisms. The author highlights the importance of using civil law, administrative law, and judicial instruments. Implementation of such mechanisms will allow compensation for damages arising from unfulfilled property expectations, provide clear rights to compensation, and emphasise the importance of court proceedings for identifying violations of certain rights or obligations. The findings confirm the conclusions of other scholars who have studied the use of legal mechanisms and identified similar instruments, although they have arranged them differently (Boone, 2018; Henckels, 2023; Shevchuk & Yarova, 2022). In particular, the researchers emphasised the importance of unifying the principles of observance and protection of property expectations, which should also be recognised as an essential marker for further progress in this legal issue (Iasechko et al., 2022; Piška, 2009). At the same time, the conclusion of investment protection agreements is also identified as an essential aspect that prevents abuse and allows potential investors, for example, to protect their rights. Researchers note the gradual formation of model agreements, which only begin to address the specifics of national legislation in some detail (Baranov et al., 2020; Sysoiev et al., 2024). However, the practice of implementing obligations under such agreements may differ from country to country. This aspect will require further research (Rahman et al., 2024).

The proposed results show that modern legal reforms are crucial for ensuring the stability and security of property expectations. The importance of improving the legal framework, strengthening judicial protection, introducing measures to protect investors' rights, implementing further reforms in the licensing system, and ensuring fulfillment of obligations related to property expectations is noted. These results confirm the conclusions of other experts who have highlighted the importance of legal reforms for protecting property rights. Additionally, the comments of other scholars suggest that reforming the legal framework through gradual adaptation to European Union norms is a viable approach (Dei et al., 2019; Kolichala, 2020). Such an approach will enable consideration of the existing practices for protecting property expectations through general changes to Ukrainian legislation (Ilie, 2021; Melenovsky, 2020).

The study also draws attention to the existing case law. In particular, the judgments of the European Court of Human Rights are essential, as they, among other things, use the Convention on Human Rights to protect property expectations. However, when used in national legal systems, such decisions will require special attention. In the interpretation of the Convention, an important category is 'legitimate expectations', which should be distinguished from the expectation to acquire property. Accordingly, the ECtHR notes that persons who have property rights or property interests may be considered to have legitimate expectations of successful enforcement of claims when there are sufficient grounds for this interest in national law (Henckels, 2023; Liu et al., 2022; Shevchuk et al., 2023). The concept of 'property right of expectation', which is actively used in Ukrainian practice, should not be equated with the concept of 'legitimate expectations' used by ECHR judges. Such conclusions are comparable to those of studies in other documents (Cousins, 2021; Dugeri, 2020). It was noted that ECHR judgments are generally applicable and may be applied in Ukrainian legal proceedings. Still, the provisions of the Convention on Human Rights must be interpreted in light of Ukrainian legislation.

CONCLUSIONS

This research analyzes modern systems of legal protection for property rights, taking into account Ukraine's ongoing legal reforms. Thus, legal mechanisms for protecting property expectations in the context of modern legal reforms are an essential aspect of research. In the modern scientific literature, property expectations are interpreted as separate legal interests associated with the possibility of obtaining the necessary property rights or other legal benefits in the future. Legislative measures to protect property expectations include implementing several principles and specific mechanisms. The author highlights the importance of using civil law, administrative law, and judicial instruments. Implementation of such mechanisms will allow compensation for damages arising from unfulfilled property expectations, provide clear rights to compensation, and emphasize the importance of court proceedings for identifying violations of certain rights or obligations. Legal reforms are also essential. First, the importance of further improving the legal framework, strengthening judicial protection, introducing measures to protect investors' rights, implementing reforms in the licensing system, and ensuring fulfillment of obligations regarding property expectations was emphasized. Ukraine's European integration enables consideration of existing practices when adapting Ukrainian legislation. The study also draws attention to existing case law, particularly the judgments of the European Court of Human Rights, which use the European Convention on Human Rights to protect property expectations. In the interpretation of the Convention, an important category is 'legitimate expectations', which should be distinguished from the expectation to acquire property. ECHR judgments show that persons with property rights or property interests may be considered to have legitimate expectations of successful enforcement of claims when there are sufficient grounds for this interest in national law. The concept of 'property right of expectation', which is actively used in Ukrainian court practice, should not be equated with the concept of 'legitimate expectations' used by ECHR judges.

The unique contribution of the study is that it proposes an important approach to analyzing property protection expectations, combining comparative law with international and national contexts, thereby enabling a holistic view of the mechanisms for their protection. The novelty lies in showing how different branches of law – investment, administrative, civil, and intellectual property – structure the guarantees of property expectations differently.

The theoretical contribution involves a more apparent distinction between "legitimate expectations" and "property expectation law". It is shown that the stability of property expectations depends on the consistency of legal mechanisms in different branches of law.

The practical (managerial) implications relate to the need to improve regulatory oversight, particularly to eliminate gaps in the legislation governing future real estate investments and digital contracts. It is also worth strengthening the tools of judicial control and ensuring the effective implementation of decisions related to property expectations. It is

recommended to harmonize national judicial practice with the ECHR's approaches, especially regarding the criteria for the emergence of legitimate expectations.

At the same time, the study has certain limitations. On the one hand, the PRISMA scientific approach used in the study enabled us to select the most relevant sources. On the other hand, the proposed limitations on its use regulate the chronological framework. At the same time, older works may also have contained relevant and vital opinions on the importance of protecting property rights. Another limitation is linguistic. First, the analysis was based on studies written in English, while some relevant information may also be present in works written in other languages. Although the limitations do not invalidate the results, the comments on the methodology open opportunities for additional research.

However, the conducted research also opens new directions for future study of this problem. In particular, given the conclusions, future research should pay significant attention to determining the role of ECHR practice in shaping the basic standards for protecting property expectations. For example, the study of the use of key norms of the Convention for the Protection of Human Rights and Fundamental Freedoms as a source of legal mechanisms for protecting property expectations in the context of Ukraine's European integration is an important direction. At the same time, the next direction requiring more attention is the provision of a detailed analysis of the practical implementation of the right to compensation for damages arising from unfulfilled expectations in administrative, civil, and investment law.

Author Contributions: Conceptualization, D.L. and M.V.; Methodology, D.L.; Software, K.R.; Validation, K.R., M.M. and M.V.; Formal Analysis, D.L.; Investigation, D.L., K.R., and Y.S.; Resources, M.M.; Data Curation, K.R.; Writing – Original Draft Preparation, D.L.; Writing – Review & Editing, M.M.; Visualization, D.L.; Supervision, M.V.; Project Administration, Y.S.; Funding Acquisition, M.V. and Y.S. Authors have read and agreed to the published version of the manuscript.

Institutional Review Board Statement: Ethical review and approval were waived for this study because the research does not deal with vulnerable groups or sensitive issues.

Funding: The authors received no direct funding for this research.

Acknowledgments: Not applicable.

Informed Consent Statement: Informed consent was obtained from all subjects involved in the study.

Data Availability Statement: The data presented in this study are available on request from the corresponding author. The data are not publicly available due to restrictions.

Conflicts of Interest: The authors declare no conflict of interest.

REFERENCES

- Artemchuk, M., Marukhlenko, O., Sokrovska, N., Mazur, H., & Riznyk, D. (2024). The impact of economic recession on the financial support of state functions during crisis situations. *Theoretical and Practical Research in Economic Fields*, 15(2), 350–364. [https://doi.org/10.14505/tpref.v15.2\(30\).15](https://doi.org/10.14505/tpref.v15.2(30).15)
- Barak-Erez, D. (2005). The doctrine of legitimate expectations and the distinction between the reliance and expectation interests. *European Public Law*, 11(4), 583–601. <https://doi.org/10.54648/euro2005045>
- Baranov, A., Kucher, V., Ustymenko, O., Utkina, M., & Hrybachova, I. (2020). Mechanism of state economic security management in the direction of intellectual property rights protection: Cases of selected industries. *Journal of Security and Sustainability Issues*, 10(1), 19–34. Retrieved from <https://essuir.sumdu.edu.ua/handle/123456789/83135>
- Bondarenko, S., Bratko, A., Antonov, V., Kolisnichenko, R., Hubanov, O., & Mysyk, A. (2022). Improving the state system of strategic planning of national security in the context of informatization of society. *Journal of Information Technology Management*, 14, 1–24. <https://doi.org/10.22059/jitm.2022.88861>
- Boone, C. (2018). Legal empowerment of the poor through property rights reform: Tensions and trade-offs of land registration and titling in Sub-Saharan Africa. *The Journal of Development Studies*, 55(3), 384–400. <https://doi.org/10.1080/00220388.2018.1451633>
- Civil Code of Ukraine. (2003). *Law of Ukraine No. 435-IV of January 16, 2003 (as amended)*. Verkhovna Rada of Ukraine. Retrieved from <https://zakon.rada.gov.ua/laws/show/435-15>
- Council of Europe. (1950). Convention for the Protection of Human Rights and Fundamental Freedoms. Retrieved from https://www.echr.coe.int/documents/convention_eng.pdf
- Council of Europe. (1952). Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Article 1 (Protection of property). Retrieved from https://www.echr.coe.int/documents/d/echr/Library_Collection_P1postP11_ETS009E_ENG
- Cousins, M. (2021). Legitimate expectation and social security law under the European Convention of Human Rights. *European Journal of Social Security*, 23(1), 24–43. <https://doi.org/10.1177/1388262720961792>
- Cvetkovic, P. (2016). Protection of intellectual property rights under criminal law. *Poslovna ekonomija*, 10(1), 218–238. <https://doi.org/10.5937/poseko1601218c>
- Dei, M., Kobets, O., Honcharov, A., Tsekhmister, Y., & Shapovalova, K. (2019). Effectiveness of the program for development of the prosecutor's ecological and legal consciousness. *Asia Life Sciences*, 2, 563–576.
- Dolgoplova, L. M., Us, M. V., & Glotov, S. O. (2020). Relevant issues of property rights protection in Ukraine. *Journal of Advanced Research in Law and Economics*, 11(4), 1137–1144. [https://doi.org/10.14505/jarle.v11.4\(50\).08](https://doi.org/10.14505/jarle.v11.4(50).08)
- Dugeri, M. (2020). The doctrine of legitimate expectation in employment law. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3545135>
- European Court of Human Rights. (2004). *Kopecký v. Slovakia* (Application No. 44912/98). Retrieved from <https://hudoc.echr.coe.int/eng?i=001-66758>

- European Court of Human Rights. (2003). *Stretch v. the United Kingdom* (Application No. 44277/98). Retrieved from <https://hudoc.echr.coe.int/eng?i=001-61173>
- Haltsova, V. V., Volodina, O. O., Hordieiev, V. I., Samoshchenko, I. V., & Orobets, K. M. (2024). Analysis of criminal law on ecocide: A case study of war in Ukraine. *Revista Kawsaypacha: Sociedad y Medio Ambiente*, (14), D-013. <https://doi.org/10.18800/kawsaypacha.202402.d013>
- Henckels, C. (2023). Justifying the protection of legitimate expectations in international investment law: Legal certainty and arbitrary conduct. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.4416893>
- Gaman, P., Yarovoi, T., Shestakovska, T., Akimov, O., & Akimova, L. (2022). Institutional platform to ensure the interaction between the subjects of combating medical and biological emergencies mechanism. *Economic Affairs*, 67(4), 765–775. <https://doi.org/10.46852/0424-2513.4s.2022.10>
- Iasechko, S., Zaitsev, O., Pokusa, F., Saienko, V., & Harashchuk, I. (2022). Legal regulation of intellectual property in sports. *SPORT TK-Revista EuroAmericana de Ciencias Del Deporte*, 11, 45. <https://doi.org/10.6018/spork.526631>
- Ibrahim, I., & Israhadi, E. (2024). Legal politics of communal intellectual property rights protection in indigenous communities. In F. Santiago, M. Rachmawati, E. E. Supriyanto, & F. J. Nugroho (Eds.), *ICLSSEE 2024: Proceedings of the 4th International Conference on Law, Social Sciences, Economics, and Education*. EAI. <https://doi.org/10.4108/eai.25-5-2024.2349488>
- Ilie, L. (2021). Revisiting the concept of legitimate expectations in renewable energy treaty cases. *European Investment Law and Arbitration Review Online*, 6(1), 169–188. https://doi.org/10.1163/24689017_0601008
- Kaminsky, V. (2024). The role of e-learning during martial law: The Ukrainian experience. *E-Learning Innovations Journal*, 2(2), 52–79. <https://doi.org/10.57125/elij.2024.09.25.04>
- Kolichala, H. K. (2020). The doctrine of “Legitimate Expectation” under company law. *The Management Accountant Journal*, 55(6), 100–103. <https://doi.org/10.33516/maj.v55i6.100-103p>
- Law of Ukraine “On guaranteeing property rights to real estate objects that will be constructed in the future” No. 2518-IX. (2022). Retrieved from <https://zakon.rada.gov.ua/laws/show/2518-20?lang=en#Text>
- Lavrov, R., Remnova, L., Sadchykova, I., Mazur, H., Tymoshenko, M., Kozlovskiy, V., & Kozlovskiy, S. (2022). Investments in the sustainable development of the potato sector in Ukraine based on the optimal balance of production and consumption. *Wseas Transactions on Business and Economics*, 19, 186–196. <https://doi.org/10.37394/23207.2022.19.19>
- Liu, G., Yang, Z., Zhang, F., & Zhang, N. (2022). Environmental tax reform and environmental investment: A quasi-natural experiment based on China’s environmental protection tax law. *Energy Economics*, 109, 106000. <https://doi.org/10.1016/j.eneco.2022.106000>
- Lutsenko, D., Sverdluchenko, V., Martyniuk, O., Hura, M., & Meniv, Y. (2025). EVALUATING THE LEGAL REGULATION OF PROPERTY EXPECTATIONS IN THE CONTEXT OF CONTRACTUAL OBLIGATIONS: A SYSTEMATIC LITERATURE REVIEW. *Bangladesh Journal of Multidisciplinary Scientific Research*, 10(6), 12-24. <https://doi.org/10.46281/bjmsr.v10i6.2590>
- Mairal, H. A. (2010). Legitimate expectations and informal administrative representations. In S. W. Schill (Ed.), *International investment law and comparative public law* (pp. 413–452). Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199589104.003.0013>
- McDougal, M. S., Lasswell, H. D., & Chen, L.-C. (2019). The basic policies of a comprehensive public order of human dignity. In *Human rights and world public order* (2nd ed., pp. 367–448). Oxford University Press. <https://doi.org/10.1093/law/9780190882631.003.0008>
- Melenovsky, C. M. (2020). Conventionalism and legitimate expectations. *Journal of Moral Philosophy*, 18(2), 108–130. <https://doi.org/10.1163/17455243-BJA10061>
- Piška, N. (2009). Hopes, expectations and revocable promises in proprietary estoppel. *Modern Law Review*, 72(6), 998–1015. <https://doi.org/10.1111/j.1468-2230.2009.00778.x>
- Prokopenko, O. (2022). Digital contracts in renewable energy markets: Challenges and opportunities. *Law, Business and Sustainability Herald*, 2(4), 17–30. Retrieved from <https://lbsherald.org/index.php/journal/article/view/48>
- Puig, S., & Shaffer, G. (2018). Imperfect alternatives: Institutional choice and the reform of investment law. *American Journal of International Law*, 112(3), 361–409. <https://doi.org/10.1017/ajil.2018.70>
- Rahman, H. P., Permana, N. A. E., Nissa, V. K., Kartina, R. M., & Andri, G. Y. (2024). Legal protection of intellectual property rights in the context of economic globalization: A case study of copyright enforcement in international markets. *Indonesian Journal of Multidisciplinary Science*, 3(9), 1–5. <https://doi.org/10.55324/ijoms.v3i9.895>
- Rajput, A., & Malhotra, S. (2019). Legitimate expectations in investment arbitration: A comparative perspective. In M. P. Singh & N. Kumar (Eds.), *The Indian Yearbook of Comparative Law 2018* (pp. 297–317). Springer Singapore. https://doi.org/10.1007/978-981-13-7052-6_13
- Romaniuk, M., Orobets, K., Herasymenko, O., Brynzanska, O., & Petkov, V. (2024). The Practice of Qualifying Environmental Crimes at Critical Infrastructure Facilities in the Criminal Justice of EU Countries. *Journal of Lifestyle and SDGs Review*, 5(2), e02561. <https://doi.org/10.47172/2965-730x.sdgsreview.v5.n02.pe02561>
- Shevchuk, O., Lysodyed, O., Matyukhina, N., Babaieva, O., & Davydenko, S. (2023). Conflict of interest in the activities of judges in Ukraine and the European Union: A comparative legal study. *Juridical Tribune*, 13(2), 261–282. <https://doi.org/10.24818/tbj/2023/13/2.06>

- Shevchuk, O., & Yarova, A. (2022). Prevention and settlement of conflicts of interest in health care of Ukraine as an administrative legal institute. *Juridical Tribune*, 12(3), 387–398. <https://doi.org/10.24818/TBJ/2022/12/3.0>
- Skliarenko, I. (2019). The concept, characteristics and types of communal property as a kind of public property. *Actual problems of law*, 1(2), 77–82. <https://doi.org/10.35774/app2019.02.077>
- Sysoiev, D., Pidbereznykh, I., Mazur, H., Tellis, S., & Vandin, Y. (2024). Administrative law mechanisms for preventing and countering corruption in the field of territorial defence. *Sapienza: International Journal of Interdisciplinary Studies*, 5(4), e24069. <https://doi.org/10.51798/sijis.v5i4.859>
- Vicente, M. (2022). Property rights and legitimate expectations under United States constitutional law and the European Convention on Human Rights: Abstract some comparative remarks. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.4173176>

Publisher's Note: CRIBFB stays neutral with regard to jurisdictional claims in published maps and institutional affiliations.



© 2025 by the authors. Licensee CRIBFB, USA. This open-access article is distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<http://creativecommons.org/licenses/by/4.0>).

Bangladesh Journal of Multidisciplinary Scientific Research (P-ISSN 2687-850X E-ISSN 2687-8518) by CRIBFB is licensed under a Creative Commons Attribution 4.0 International License.