

SUMMARY

Key Words: inheritance, real estate, land plots, living spaces, enterprise, property rights, registration of real estate, proprietary.

Subject matter: Legal relations arising in connection with the use of assisted reproductive technologies.

Author: Dazhigova Arina Aslanovna

Supervisor: PhD in law, associate Professor at the Department of Civil Law and Procedure Durneva P.N.

The supervising organization: SEC "YurProsvet"

The relevance of the research topic Inheritance is quite "old" and can be said to be the "first" institution of civil law. It was already known to Roman law. At all times, inheritance has played a very important role in the life of society. Its essence lies in the fact that after the death of one person, all his property and obligations are transferred to another person.

Inheritance is one of the oldest institutions of civil law, the basis of which is the provision of the Constitution that enshrines the rule that the right to inheritance is guaranteed. The norms of the Civil Code of the Russian Federation reflect the basic principles and approaches to the regulation of hereditary relations.

The political and socio-economic changes that took place in the Russian Federation in the 90s of the XX century led to the emergence of private ownership of real estate. Citizens own most of the residential premises, non-residential premises, and land plots. The range of grounds for the transfer of real estate to the ownership of citizens has expanded.

With the development of the institution of private property, as well as in connection with the enactment of part three of the Civil Code of the Russian Federation, which marked a new stage in the development of domestic inheritance law, the number of citizens involved in inheritance legal relationships has increased significantly. In particular, a stratum of the population has appeared, consisting of owners of residential premises, therefore this type of property is increasingly becoming the object of hereditary legal relations. It should be borne in mind that living quarters belong to such property that provides the vital needs of a person and for the vast majority of people is the only one.

Throughout the existence of inheritance, the transfer of the rights of one person to another has attracted close attention of legal scholars. A lot of scientific articles and special literature have been written on this topic. The peculiarity of inheritance is who exactly the rights and obligations of the deceased will be transferred to. It is in this institution of civil law that there is a huge number of disputes, usually resolved in court. But such disputes arise in the event that there is something to inherit.

The analysis of judicial practice showed that in most cases the objects of dispute during inheritance are immovable things, i.e. residential houses, land plots, residential and non-residential premises, and disputes are conducted between the relatives of the deceased. Such disputes occur regardless of the fact that the civil law establishes the order of inheritance of the property of the deceased by law.

In addition, the inheritance of non-residential premises is of scientific and practical interest, which is due, in particular, to the lack of a definition of non-residential premises in the legislation. When inheriting land plots belonging to citizens by right of ownership, or when passing in the order of inheritance of the right of life-long inherited ownership of a land plot, problems arise due to the fact that a land plot is a complex thing consisting of dissimilar things (soil layer and everything that is above and below the surface of the earth).

The third part of the Civil Code of the Russian Federation has significantly modernized the institution of inheritance, in connection with which the legal regulation of hereditary legal relations has risen to a new level of development. However, the scientific and practical interest in the provisions enshrined in the third part of the Civil Code of the Russian Federation does not wane, since the rules on inheritance affect the rights and legitimate interests of many Russian

citizens who own various types of real estate - residential and non-residential premises, enterprises as property complexes, land plots, etc. etc.

Despite the fact that inheritance has been an institution of civil legislation for quite a long time, the norms of legislation are still far from perfect, the legislator does not keep pace with the changing socio-economic situation.

The foregoing allows us to assert that the problems of inheritance of real estate continue to remain relevant for civil science.

The purpose of the work: consists in the implementation of a comprehensive analysis of the problems of civil law regulation of legal relations arising from the inheritance of real estate and property rights to it, as well as in the development of proposals for the application and improvement of legislation in this area.

Objective: analyze the concept and features of the institution of inheritance under the legislation of the Russian Federation; find out the procedure for accepting the inheritance; study the essence of the inheritance of residential premises; to investigate the features of inheritance of land plots and property rights to them; to reveal the specifics of inheritance of land plots and property rights to them; to investigate the features of inheritance of an enterprise as an integral property complex.

The theoretical and practical significance of the research consists in the fact that it is aimed at the further development of legal norms on inheritance as the basis for the emergence of ownership of real estate. The theoretical basis was the scientific works of domestic and foreign lawyers in the field of civil law. The work is based on the achievements of history, general theory of law, as well as constitutional, civil, housing, land, family and other branches of law.

Results of the study:

Inheritance issues have recently become increasingly relevant. This is happening against the background of changes in the country's economy, the development of the institution of private property, the general growth of the well-being of citizens, who, among other things, have received the opportunity to engage in entrepreneurial activity.

Inheritance is the transfer of the hereditary mass (property) of the testator (deceased person) to another specified by him in the will or heir (a person determined by law), where the property is transferred by way of universal succession, i.e. as a rule, in a completely unchanged form and at the same time, unless otherwise provided by law.

The inheritance is opened with the death of the citizen, the place of its opening is the last place of residence of the testator. According to Art. 1112 of the Civil Code of the Russian Federation, the inheritance includes things that belonged to the testator on the day the inheritance was opened, other property, including property rights and obligations.

It should be noted that the acceptance of inheritance is carried out in three forms: by will, by inheritance contract and by law.

Real estate has always been the subject of disputes between various persons, especially when it comes to inheritance of real estate. Inheritance under civil law is the legal succession of rights and obligations after the death of a citizen.

According to civil law, real estate includes residential buildings, apartments, premises, land, i.e. everything that is closely connected with the earth and cannot be transferred from one place to another. It is on this subject of inheritance that a huge number of disputes are considered in court, and regardless of whether there is a will for real estate or not.

The emergence of ownership of immovable property, which is transferred by inheritance, occurs through the acquisition of inheritance.

The rights of heirs to real estate are subject to state registration. The registration of rights to real estate is certified by a special document - a certificate of state registration of rights, which is issued to the rightholder after its completion. The certificate of state registration of rights is a document of law and, by its legal nature, cannot be perceived as a document of title.

Concluding the consideration of inheritance issues as the basis for the emergence of ownership of real estate, I would like to note that the purpose of the study was to carry out a comprehensive

analysis of the problems of civil legal regulation of legal relations resulting from the emergence of ownership of real estate by inheritance, as well as in development of proposals for the application and improvement of legislation in this area.

Thus, it can be stated with confidence that the institution of inheritance is the oldest institution of civil law, known since the times of ancient history, and at the same time it not only received its development, but also retained its relevance and significance today.

Recommendations:

1. It is proposed to supplement the concept of residential premises with signs of "isolation" and "intended for living" and formulate the definition as follows: "residential premises are a separate, isolated premises intended for citizens' residence, which is immovable property and suitable for permanent residence of citizens (meets the established sanitary and technical rules and regulations, other legal requirements).

2. It is proposed to supplement the provision according to which, in the event that among the heirs there are several persons who have the status of an individual entrepreneur on the day of opening the inheritance, the preemptive right to receive an enterprise on account of the inheritance share should belong, first of all, to those of them who used the enterprise during their lifetime. the testator on the basis of a trust management agreement or gratuitous use, and only then to other heirs who also have the status of an individual entrepreneur.