

SUMMARY

Key Words: land law, land legal relations, land rights, termination of land rights, civil law, right holders of land plots, ownership rights, limited real rights.

Subject matter: Grounds and procedure for termination of rights to land.

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The Relevance of the research topic: The Earth is the central element of the material world for a person, it is of particular value for the whole society. It is the accumulating place of all human achievements in the entire history of the development of society and man. In addition, differentiation of forms is inherent in it, for example, according to soil and climatic conditions, according to the intended purpose, etc., which, in turn, affects the nature of interaction with it, as well as the legal regime of its use.

Due to these factors, the land is endowed with a special legal status. The land is the basis of the life and activities of the peoples who live in the corresponding territory, which is enshrined in the Constitution of the Russian Federation and the Land Code of the Russian Federation. However, the legislation provides for the possibility of its withdrawal from the owners of land plots in the manner and under the conditions established by law.

Securing the mechanism for the seizure of a land plot in the legislation is one of the main guarantees for the protection of the rights and interests of all participants in land legal relations, including the state.

It should be noted that there are many problems in the current land legislation.

So, for example, it can be highlighted that certain mechanisms arising on compulsory grounds for the termination of rights to plots, so far, remain untouched by the latest reforms of land legislation, from the point of view of legal regulation.

Also, the problem of classification, in general, of the grounds for the termination of property rights to land, or rather the lack of proper regulatory systematization, is particularly highlighted, which, of course, complicates the issue of studying and full existence of grounds for terminating property rights to a land plot and is one of the current gaps in land legislation.

There is also a problem of contradiction of the provisions of the RF LC with the basic principles of the mechanism of seizure of a land plot for state and municipal needs, in terms of the exclusivity of the grounds for its occurrence.

In addition, a number of other problems on the topic under consideration have not been resolved at the moment.

However, it should be noted that the legislator carries out significant work to solve practical problems and conflicts in land legislation and other branches of law that interact with land.

Of course, land is one of the main elements of the entire legal system, which is due to its properties, therefore, special attention is paid to the problems of land legal relations and their prevention.

The purpose of the work: analysis of the institution of termination of rights to land, which acts as one of the guarantors of ensuring the rights of participants in land legal relations.

Objective:

1. Give a concept and disclose the content of rights to a land plot.
2. Analysis of the legislation containing the grounds for the termination of rights to a land plot.
3. Investigation of the procedure for termination of rights to land.
4. Determine the essence of the mechanism for the termination of rights and its role for the state.

The theoretical and practical significance of the research. The theoretical and practical significance is predetermined, first of all, by the fact that the institution of termination of rights to a land plot acts as a leading guarantee of protection and implementation of the legal rights and interests of subjects.

The conclusions made in the course of the study are of theoretical significance, since they make a certain contribution to the development of awareness and increase of the legal culture of society.

The practical significance lies in the ability to use the conclusions formulated in the work in the framework of teaching such academic disciplines as "Civil Law", "Land Law".

Results of the study:

The earth is a separate economic and legal category, the most important element of state life, it acts as a driving element of all human activity.

The legislator has established the following forms of land ownership: state, subdivided into federal property and property of the constituent entities of the Russian Federation, municipal and private.

In addition to property rights, the RF LC also provides for a limited right to use someone else's land plot.

In addition, the RF LC in Art. 7 provided for the division of land in the Russian Federation according to its intended purpose into various categories.

The grounds for the emergence and termination of rights to land are legal facts, in their totality form a legal structure, entailing the emergence of land rights and obligations.

Rights to land plots can be acquired on various grounds, currently among the most common methods: acquisition of ownership rights to a land plot as a result of a transaction; the emergence of rights to a land plot, as a result of the conclusion of a lease agreement, etc.

Grounds for termination of rights to land can be classified into two groups: voluntary and compulsory termination of rights to a land plot.

The voluntary group of grounds should include: waiver of rights to a land plot; alienation of a land plot in connection with a transaction; liquidation of a legal entity.

In turn, the compulsory group of grounds is subdivided into: grounds that have arisen for reasons beyond the control of the rightholders of land plots, which can include the loss or destruction of property, requisition, seizure of a land plot for state or municipal needs; grounds that arose as a measure of responsibility for the committed offense, for example, confiscation, seizure of a land plot that is not used according to its purpose.

Accordingly, with each category of grounds for the termination of rights, a certain procedure is also related, which provides for the conditions for the implementation of the termination of rights to land.

Separately, the mechanism of seizure of a land plot for state and municipal needs should be considered, after analyzing the provisions of the legislation on it, first of all, it is striking, the goals for which this mechanism was created.

It goes without saying that such a basis for the termination of rights to land acts as an interim measure of the state, helping in the direct exercise of state power.

It is important to note that such a seizure provides for an equivalent exchange and compensation for a plot that was seized, as well as, in cases stipulated by law, real estate objects located on it, while losses incurred, if any, are also reimbursed, etc.

In other words, this mechanism was created with the only correct purpose: the protection of public interests, based on the principles of land legislation, allowing the interests of all parties to be taken into account.

Recommendations:

- In order to systematize the totality of all the grounds for the termination of property rights to a land plot, which, in turn, will simplify the understanding of the relevant grounds for termination of rights and show a more complete picture of this part of the institution of termination of rights to land, changes in Ch. VII of the Labor Code of the Russian Federation regarding the grounds for the termination of ownership of a land plot.

Changes in legislation can be summarized as follows.

In Art. 44 of the RF Labor Code to include the relevant clauses containing the classification of grounds for termination of ownership of land, which arise by: "the will of the owner" (refusal of

the owner from the site and alienation by the owner of the site); “Regardless of the will of the owner” (in case of death of the owner or legal destruction of the land plot); "Compulsory grounds for the termination of property rights" (foreclosure on property under obligations, alienation of property that, by virtue of the law, cannot belong to this person, seizure of a land plot for state or municipal needs, requisition, confiscation, seizure of a plot from the owner, if the use of this site is carried out in violation of the requirements of the legislation, in particular, if the site is not used for its intended purpose, or its use leads to a significant decrease in the fertility of agricultural land or harm to the environment, or an unauthorized building has been erected or created on the site, and also not fulfilled statutory obligations to demolish it or bring it in line with the requirements).

- In order to form a uniform normative understanding of the mechanism of land plot acquisition for state and municipal needs, it seems appropriate to formulate the very concept of “state and municipal needs”.

It is proposed that article 49 of Chapter VII.1 of the RF LC, to include a clause containing the definition of the concept of "state and municipal needs", the concept itself to be formulated as follows. "State and municipal needs are an exceptional need to use the relevant land plot to perform the functions of state and municipal authorities, with the condition that it is impossible to use another plot, as well as guarantees of providing an equivalent plot in exchange for the seized one."

- In order for the principle of the exclusivity of the seizure of a land plot for state and municipal needs to fully work, it would be advisable to exclude clause 3, art. 49 of the Labor Code of the Russian Federation, thereby making this list of grounds exhaustive and closed.