

THE LEGAL NATURE AND CHARACTERISTICS OF THE UNIT

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The article analyzes the nature of the property unit and disposal of property shares. The concept of the unit, property (shares) and share of property attributes.

Unit, property (share), collective agricultural enterprises.

In the 90s of the 20th century in Ukraine the process of privatization started and members of collective agricultural enterprises got the opportunity to receive their property shares as a result of it. At that time peasants faced the problems of recognition of ownership of a property share, demanding and obtaining it or its value in kind, they had troubles with recognition of civil-legal agreements with property shares which were allocated to the assets of the unit, an increase of property unit with recognition of ownership of the property share for inheritance, etc. But the whole practice of implementation of this right has shown that in the occurrence of such problems the imperfection of existing legislation on this point has played an important role to some extent. In order to determine the main factors of the imperfection of such legislation, it is necessary at first to clarify the legal nature of a property share. A review a relevant scientific works in this sphere has shown a very low level of coverage of this item in legal literature. Therefore the purpose of this article is to analyze the nature of the property unit of former collective-farms, definition of the unit, a property share and signs of a property share. Novelty of this

article is including an attempt to summarize research data in the sphere of sharing property.

Scientific significance of the paper is to identify the main points of concern in definition of the concept “property share” and its features which were laid in the foundation of agrarian reform.

Analyzed above it is possible to present the author’s definition of the concept “property share” – it is a property share is given to a member of the agricultural enterprise as the result of its disbandment, expressed in a financial form (money or property) and de depends on the participation and employment contributions of its members. It is necessary to allocate property unit features:

- a property share is a part of mutual fund assets of the state agricultural enterprises.
- It exists as an object of the material and non-material world simultaneously.
- a property unit size depends on the labour input of its member.
- a right on a property share arises only after the termination of membership in the agricultural enterprise.
- It has cast and quality measurement.
- It cannot be isolated from the property which is pledged(bank or tax), financial lease or from a number of objects of the social sphere.
- Property unit size is determined from the total value of all property but not in the same amount for each member.