

THE ABOLITION OF THE STATE REGISTRATION OF THE OWNERSHIP OF THE REAL ESTATE: PARTICULAR PROBLEMS OF ENFORCEMENT

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The published work gives the analysis of the current legislation concerning the abolition of the state registration of the ownership of the real estate. It's noted the current jurisprudence in the publication. It's also offered based on a systematic analysis to make the amendments to the Law of Ukraine «On state registration of property rights on the real estate and its encumbrances».

Real estate, state registration of the ownership of the the real estate, recordal of the abolition of the state registration of the ownership.

The Constitution of Ukraine in the art. 41 enshrines one of the core principles of the whole system of relationships - the principle of inviolability of property rights "No one shall be unlawfully deprived of property rights. The right to private property is inviolable." It is to implement this principle began reform in the civil registration of real property.

Since the topic of state registration of rights is relevant, according became the object of research of different areas of law.

Adoption of the Law of Ukraine "On State Registration of Rights to Real Estate and Their Encumbrances" and its further improvement by making appropriate changes have created a lot of legal rules governing public registration, including property rights to immovable property.

However, a new "era" in this area began with the January 1, 2013,

when the functions of state registration of rights to immovable property follows its State Registration Service of Ukraine, represented by state registrars. The theoretical value of the exercise is to further improve the theoretical state registration rights to property. The practical significance - will help solve these problems and improve enforcement of current legislation.

In this context, **the aim** of this article is to analyze the application of the law of the civil registration of property rights in the context of entry of record about the abolition of state registration of title to real property.

Many new legal mechanisms caused serious difficulties in their practical application in connection with what had violated the rights and interests of a large number of property owners.

Analysis of the reduced practice of the new mechanism abolition of ownership shows its imperfection and unjustified. This approach serves as a proliferation of red tape, but instead should contribute to the implementation of the basic constitutional guarantees protection of property rights. We offer amendments to the Law of Ukraine "On State Registration of Rights to Real Estate and Their Encumbrances" in recognition of one of the grounds for the entry of record about cancellation of registration of property rights registered by a court - the abolition of this decision by the highest court.

These changes, in our opinion, would improve regulation of state registration of rights and protection of private property rights in general.