

## **ADMINISTRATIVE AND LEGAL REGIME OF THE LAND BOOK IN UKRAINE AND GERMANY: COMPARATIVE AND LEGAL CHARACTERISTIC**

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*The article contains research of the administrative and legal regime of the land book in Ukraine and Germany. Questions of affiliation land book, structure and contents of the recorded data, the persons authorized to carry out the registration are considered.*

***Department of the Land book, State land registry, State cadastral registrar, land parcel, land book, Senior Judicial Officer.***

The legislation of Ukraine provides land registration and registration of the rights to the parcels of land. The state land cadastre contains "technical information" on the parcels of land, and the State register of the rights to real estate contains information on the corporeal rights in respect of the parcels of land. These registration procedures are not identical, they have the different legal nature, they are carried out by various state bodies and regulated by various regulatory legal acts.

Law of Ukraine "On State Land Cadastre" that defines Land Records is one of the documents produced by the management of the State Land Cadastre. State registration of the land is carried at its formation by opening the land books on a plot with cadastral number assignment. Registration is done at the location of the land the state cadastral registrar. Land Records in Ukraine is carried out in paper and electronic form for each plot.

Primary form of the Land book is electronic. Land Records in paper format is created on the basis of its electronic form by printing using the software of the State Land Cadastre. Land Records closed in case of cancellation of state registration of land. Cadastral registrar is a civil servant. Cadastral registrar has the certificate of state cadastral registrar and own stamp. An integral part of the Unified State Register of Rights is the cadastral plan of the land.

The state cadastral registrar is the government employee. The state cadastral registrar has the certificate of the State cadastral registrar and own seal.

Implementation of a state policy in the sphere of registration of the rights to real estate of Germany is within the competence of the Federal Ministry of Justice and consumer protection. "Law on the Judicial System" from 09.12.1950 defines a system of courts of general jurisdiction in Germany, where a part of the local courts have a separate division - Land Records Office, authorized by legislation to conduct land book. Direct function of state registration of rights to real estate in the land registry is provided by clerk of the court of The Land Office books and on the basis of § 3. 1. Law on court employees. It is in the public service and has a corresponding service rank.

Land Book in German, as a public book, officially certifies the actual legal status of legal relations on land ownership. The main objective of the Land book is to create and provide a reliable basis for legal relations turnover of real estate. Its purpose is to provide a certificate of Property legal status of land clearly and unequivocally. A person with a view to participate in the legal relationship associated with the land, has the right of reading the contents of the land registry and obtain a reliable estimate on the clothing of the legal status of the land.

Legal relations regarding the registration in the Land of the book is based on the rules of substantive and formal (procedural) law. Substantive law governs the creation, change and termination of rights to land. This range of issues resolved with §§873-1203 of German Civil Code and additional laws. Formal law regulates the activity of the registration body and the registration procedure.

Land Book in Germany is carried out in paper and electronic form for each plot. Instructions on how to perform the rules of land book regulates the opening and closing of the land registry, determines the structure of each page, the rules of application, modification and cancellation of records in the land registry, the order of access to the land registry for the land surveyors, notaries, lawyers, etc.

Thus, The Land Book in Ukraine and Germany are part of the executive branch. Registration of the rights to the book carried out by state officials. Structurally, The Land Book in Ukraine is very similar to The Land Book in Germany. But in Ukraine, The Land Book task is to register the land, specify additional information about the results of the cadastral works, legal relationship with respect to the land and the like. In Germany, the main task of The Land Book is registration of the rights with respect to the land, to create and provide a reliable basis for the legal relations of turnover of real estate. Moreover, the registered data are in the mode of the presumption of legality of registered rights and the content of the land register enjoys public trust - bona fide purchaser can be assured that landed book really reflects the totality exists of land rights.