

**THE VALUE OF THE LEGAL INTEGRATION IN ESTABLISHING
APPROACHES TO THE ESSENCE OF RESTRICTIONS AND
ENCUMBRANCES OF RIGHTS TO LAND PLOTS**

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Given the comparative legal characteristics regulatory restrictions and encumbrances of rights to land plots in the legislation of the Republic of Belarus and neighboring countries. Special attention is paid to the necessity of establishment of a single approach in their consolidation on the basis of common understanding.

Restrictions the rights to the land plots, encumbrances the rights to the land plots, object of land relations, element of legal regime.

Recently, one of the features of modern legal regulation of land relations is the combination in its composition rules of public and private law. Special theoretical and practical significance to study the mechanism of application of restrictions and encumbrances of rights in modern conditions in connection with the development of market relations. This also applies to the sphere of land relations, which requires adequate The achievement of public interest needs and interests of private actors in the field of land use and protection aimed legislative provisions enshrining setting restrictions and encumbrances of land rights. Proper legal regulation of restrictions and encumbrances of land rights is necessary in order to balance the opposing interests of private land users and the public interest, including the public interest. In addition, according to T.I. Makarova, the role of law should be to provide legal means balance between conflicting environmental and economic side of the relationship, which will harmonize public and private

land use goals, as well as to preserve the fertile properties of the land as the main means of production.

The relevance of this study is due to the relatively recent introduction of the category "restrictions (encumbrances) of rights to land" in the land legislation of the Republic of Belarus and the need has arisen in connection with the study of their legal nature and establish approaches to their consolidation in the Land Code of the CIS member states. Formed in international law approaches at the national level are seen as the basis for the development of national legislation and as a guide to action in a certain direction.

In 2008, the first Code of the Republic of Belarus on land (hereinafter - goats) in land relations are included as a separate object restrictions (encumbrances) of rights to land. Restrictions (encumbrances) of rights to land - is set by the decision of a public authority exercising the state regulation and management of land use and protection adopted in accordance with the statute, contract or court order condition or restriction or prohibition on the exercise of certain types of economic or other activities and other rights to the land for the public benefit and safety, environmental protection and historical and cultural values, protection of rights and legally protected interests of citizens, individual entrepreneurs and legal entities.

In goats, as well as a whole in the legislation of the Republic of Belarus the concept of restrictions (encumbrances) provides mixed, however, these categories are not identical in content, therefore, in our opinion, they should be distinguished. No unanimity among scientists about what is meant by restrictions (encumbrances) of rights to land. At the same time, the proposal to use the legal structure, unknown to the current legislation and have not received a specific semantic content consider inappropriate.

Consider it appropriate to draw attention to the following restrictions differences from encumbrances. Limitations of land rights are established in order to ensure public or socially significant interests (environmental, historical and cultural values, as well as creating the necessary conditions for

the implementation of other state needs), clearly defined in the legislation. Encumbrance of land rights to ensure private interests of others, have the following characteristics: 1) they include the presence of additional third party rights to the land plot or the imposition of additional duties on users; 2) are set on the basis of an agreement on the land easement, agreement or court order; 3) legal form divided into two types - liabilities (rent and mortgage) and land easements, which due to its proprietary nature can not be identified with the encumbrance, based on the obligations or liability law. Thus, it is determined that the establishment of restrictions pursued the interests of society and the establishment of encumbrances aimed at ensuring the interests of private actors.

It is worth noting that the use of the model in the legislation acts are regularly discussed at meetings of the IPA CIS Permanent Commission and regulations are widely used by parliaments to improve the legal systems of the member states. Sure, when adjusting the Code of the Republic of Belarus on the ground to use the provisions of the Land Code of the model for the CIS member states, consider the experience of becoming the land legislation of neighboring countries, including the regulation of restrictions (encumbrances) of rights to land. Thus, measures on legal convergence, not only contribute to the development of integration in the regulation of legal relations, but also an important factor in the improvement of national legal systems.