

## **ON THE PROBLEM OF DETERMINATION LAND PARCELS AS AN OBJECTS OF CIVILE AND LAND LAW**

**O.P. KULYNYCH, *associate professor,*  
*National University of Life and Environmental Sciences of Ukraine***

Legally meaningful features of land plots as well as their division on physical and legal features has been researched. It is proved that basing on the level of registration of information about land plots in official registration systems thee have to be divided on completely formed and unformed. It is concluded that ownership rights to unformed land plots are also subject to civil protection in case of their violation.

***Land plot, physical and legal features, land plots which are formed and unformed.***

The problems referring to determining the land parcel as object of Civil Law and Land Law has emerged due to the Land Registration Reform related to the enactment on January 1th, 2013 of the Law of Ukraine 'On the State Land Cadastre'.

The Land Registration Reform has resulted in that all acquired by citizens and legal entities in private ownership land parcels actually were divided into two groups: formed land parcels and unformed land parcels.

The formed land parcels has the next legal features. First, they are registered in the State Land Cadastre. It means that each land parcel has been accurately designed both on maps and territory. Second, the formed land parcels are characterized by adequate accuracy of determination of location, size and their boundaries. Third, all civil rights to the formed land

parcels are registered in the State Register of Rights to Real Estate and Their Encumbrances.

Therefore, only the owners of the formed land parcels have obtained all the necessary state legal guarantees of protection of their ownership and other legal rights to land plots in case of violation of the rights.

The other group of the land parcels consists of unformed land parcels. This group includes land parcels which were acquired by citizens and legal entities during 1992-2012. These land parcels were privatized with low accuracy of the determination of their location, size and boundaries. That is why the unformed land parcels potentially could overlap on adjacent land plots or include lesser area than it was declared in official decisions of bodies of power regarding size and location of land plots.

Despite the aforementioned changes in land legislation of Ukraine, legislation on civil protection of ownership and other rights to land parcels remains unchanged since the entry into force of the Civil Code of Ukraine on 1st January, 2004. So it does not provide necessary level of civil protection of those land owners in Ukraine who have acquired land parcels in ownership, permanent and temporary use during 1992-2012, when both the legislation on formation of land parcels and practice of its implementation as an important part of land reform in Ukraine were in the process of creation and development.

To conclude, the formation and establishment of the boundaries of land parcel are necessary parts of the creation of land parcels as the object of civil rights to land. So civil legislation on protection ownership and other rights to land plots has to be improved to provide to owners and users of both formed and unformed land plots the high level of legal protection of their rights to land.