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COMPARISON OF THE REAL ESTATE REGISTRATION SYSTEMS OF MONTENEGRO AND UKRAINE

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Abstract. *This study provides a comprehensive comparative analysis of the state registration systems for real property rights in Ukraine and Montenegro, considering contemporary challenges, trends in decentralization, and digitalization of cadastral and registration processes. The aim of the study was to identify similarities and differences in the legal foundations, organizational structure, and practical functioning of the registration systems in both countries, as well as to evaluate their effectiveness.*

The research employed general scientific and specialized methods: analysis and synthesis to summarize legislative norms, comparative legal method to identify differences between the Ukrainian and Montenegrin models, systems approach to assess the interaction of cadastral and registration authorities, and structural-functional method to reveal features of the organization of the state land cadastre and the property registry in Montenegro. Content analysis of specialized scientific

publications was used, including work dedicated to the maintenance of state surveying in Montenegro. A historical and contemporary analysis of the registration systems in both countries was conducted.

The study analyzed the stages of state registration formation, including inventory data, technical inventory bureaus, and modern bodies such as the Ministry of Justice and the State Geocadastré. It identified specifics of maintaining separate registries for land plots, houses, buildings, apartments, unfinished construction objects, and their encumbrances.

The development of the Montenegrin system was reviewed, starting from the 1980s, including the transformation of the land cadastre into a unified real estate registration system through the Real Estate Administration. The study highlighted the constitutive nature of property registration, integration of cadastral and registration data, public access via electronic services such as eKatastar and Geoportal, as well as specifics of land geoclassification and legalization of unauthorized construction.

Key characteristics of both countries' systems were compared in tables, reflecting: legal basis of registration, organizational structure, objects and mechanisms of registry maintenance, digitalization, publicity, protection of property rights, and procedures for legalizing unauthorized buildings.

The novelty of this study lies in the comprehensive comparison of the two systems in terms of legal effectiveness, digitalization, and protection of property rights. The conclusions of the research can be used to improve the Ukrainian real estate registration model, integrate cadastral and registration processes, and enhance legal certainty, bringing it closer to European standards.

Keywords: *state registration of property rights, real estate, land cadastre, property registry, cadastral-registration system, digitalization, decentralization, comparative legal analysis, Ukraine, Montenegro.*

Problem Statement. In the context of reforming the land resource management system, decentralization of governmental powers, and active digitalization of public registers, the issue of the efficiency of state registration of property rights to immovable property becomes particularly relevant. In Ukraine, the real estate registration system

is undergoing continuous transformation, which is accompanied by problems of fragmentation of cadastral and registration data, procedural complexity, limited integration of information resources, and risks to the protection of property owners' rights.

In this regard, there is a need for a comparative analysis of the national model with European practices, in particular with the system of Montenegro, which is characterized by the integration of cadastral and registration processes, the constitutive nature of registration, and a high level of electronic accessibility. The lack of comprehensive scientific studies devoted to comparing the Ukrainian and Montenegrin systems of state real estate registration determines the necessity of such an analysis in order to identify directions for improving the national model and bringing it closer to European standards.

Review of Recent Research and Publications. The issue of state registration of property rights to immovable property has been the subject of ongoing scientific research. In Ukraine, a significant contribution to the development of theoretical and practical aspects of the registration system has been made by the studies of Svitlana Malakhova, which examine the process of decentralization of registration functions and the approximation of the national model to European standards [31]. Relevant changes in recent years-namely, the introduction of a mechanism for special property rights to objects of unfinished construction-are well covered in a professional publication of a media-analytical source [6].

Also noteworthy is the publication by A. Yu. Tkachenko, which analyzes the current state and key problems of the system of registration and accounting of real estate in Ukraine in the context of ensuring sustainable territorial development and effective land resource management. The author convincingly emphasizes that the existing cadastral and registration model is fragmented and institutionally dispersed, which significantly complicates property rights registration procedures and negatively affects the functioning of the real estate market. A substantial drawback of the current system, according to the author, is the separation of the registration of land parcels and capital construction objects among different authorities and registers. This leads to

excessive bureaucratization, an increase in the number of involved institutions, and higher time costs for property rights holders. The examples provided in the publication regarding the number of authorities that citizens are forced to contact clearly illustrate the inefficiency of the existing model [34].

In Montenegro, there are also scientific studies devoted to the development of state surveying, geodetic infrastructure, and the formation of the real estate cadastre as the basis of the national spatial data infrastructure. The works of Montenegrin researchers analyze the historical prerequisites for the formation of the cadastral system, the features of maintaining various types of cadastral records, as well as the role of the geodetic reference network in the creation and maintenance of cadastral databases. Particular attention is paid to the analysis of state maps and their significance as an analog basis of cadastral information [32].

Attention should also be given to the Directorate for Real Estate of Montenegro (DRE), which is the leading state institution in the fields of geodesy, cadastre, and property rights, and is also responsible for the development of the National Spatial Data Infrastructure (NSDI). The analysis of the implementation of the INSPIRE Directive in Montenegro effectively demonstrates the current state of development of the national spatial data infrastructure [32].

The purpose of the study is to conduct a comparative analysis of aspects of state registration of property rights to immovable property in Ukraine and Montenegro, identifying common features, differences, and opportunities for adapting successful European practices to Ukrainian conditions.

Materials and Methods. The informational and methodological basis of the study consists of regulatory legal acts of Ukraine and Montenegro in the field of state registration of property rights to immovable property and land cadastre maintenance, scientific publications of domestic and foreign researchers, official materials of public authorities, as well as data from electronic cadastral and registration systems of both countries. The study uses legislative and by-law acts of the Ministry of Justice of Ukraine and the State Service of Ukraine for Geodesy, Cartography and Cadastre, as well as regulatory documents of Montenegro governing the activities of the Real Estate

Administration, the functioning of the real estate cadastre, and electronic services such as eKatastar and the Geoportal. In addition, analytical materials on the development of the national spatial data infrastructure and the implementation of the INSPIRE Directive were involved.

The methodological framework of the research is based on general scientific and special methods of cognition. The comparative legal method was applied to analyze and compare the legislative frameworks of Ukraine and Montenegro; the historical and legal method was used to study the stages of formation and transformation of registration systems; system analysis was employed for the structural examination of the interaction between cadastral and registration authorities; and the method of generalization was used to formulate conclusions and identify directions for improving the Ukrainian system of state real estate registration.

Results and Discussion. The System of State Registration of Property Rights to Immovable Property in Ukraine. On the territory of modern Ukraine, the concept of ownership originated during the period of Kyivan Rus. In her article, I. V. Yareмова concluded that the following methods of acquiring ownership existed in Kyivan Rus: (1) development of free lands; (2) granting of land by the prince for service; (3) seizure of land; (4) donation; (5) inheritance by law and by will; (6) appropriation of publicly available natural resources; (7) acquisition of property under purchase and sale agreements; (8) exchange; and (9) finding of property [1].

Only during the rule of the Grand Duchy of Lithuania did the Lithuanian Statutes (1529, 1566, and 1588) for the first time explicitly establish the obligation to confirm ownership rights to immovable property before the prince or the Council of Lords. At the same time, these codified acts clearly defined the obligations to obtain permits or confirmations for alienation in the absence of title documents due to long-term possession, as well as the procedure for obtaining such confirmation. This indicates the existence in the Grand Duchy of Lithuania of the origins of legal regulation of immovable property records and the procedure for state certification of ownership rights thereto [2].

Later, during the period of the Russian Empire, and consequently on the territory of Ukraine, the history of state registration of rights to immovable property from the sixteenth century is associated with the establishment of *Prikazy* (state authorities responsible for recording rights to immovable property) [4]. The *Prikazy* served as the main registration centers for property rights throughout the Russian Empire, as they contained all information on land transfers, the composition of estates, transactions involving their sale, exchange, donation, and related documents. Subsequently, the Justice Collegium was established with the authority to carry out all legal transactions involving immovable property. At the local level, each transaction was conducted with the knowledge and participation of state authorities and in the presence of witnesses, whose signatures certified the fact of the transaction. Supervisors and clerks were obliged to oversee the legality of transactions and to verify the correctness of fee calculations and the timeliness of their payment. After payment of the fee, information about completed transactions was entered into so-called mortgage (serfdom) books.

In 1775, Catherine II introduced new administrative territorial units—governorates—which were granted authority over mortgage matters. Civil chambers and county courts were established within governorates, where mortgage records were maintained and information on immovable property and rights thereto was concentrated [4].

In essence, these institutions functioned as local centers that formalized acts of transfer of property rights to immovable property. On the one hand, this innovation allowed transaction parties to avoid the time and financial costs associated with traveling to the Justice Collegium, as they could complete documentation in any “convenient” governorate, guided by their place of residence or the location of the estate subject to the transaction. On the other hand, the ability to make mortgage entries at the governorate level led to the loss of a unified information database for the entire empire, creating additional opportunities for abuse of immovable property rights. In particular, multiple pledges of rights to immovable property without transfer of possession became widespread due to the absence of publicity. Researchers analyzing the history of the institution of immovable property identify as a significant

shortcoming the lack of a unified database and certainty regarding the moment of transfer of property rights. This allowed sellers to conduct transactions in different locations, including other governorates, while buyers were unable to verify whether the property had been sold to other persons elsewhere. As a result, cases of selling the same estate to several buyers were not uncommon, eventually leading to disputes over priority of rights. Historical sources indicate that courts recognized ownership in favor of the buyer who concluded the purchase agreement earlier, while the other buyer acquired the right to compensation for damages caused by the dishonest seller, including the amount paid under the transaction.

In order to eliminate such abuses and improve legal regulation of real estate transactions, the Regulation on the Notarial System was adopted in 1886. According to this regulation, notaries were appointed in governorate capitals and county towns, and, where necessary, in counties, and were required to maintain three main register books. One recorded transactions involving immovable property, another recorded other contracts, and the third contained acts of protest of bills of exchange. Each notarial act was carried out in the presence of witnesses, which later proved insufficient to increase trust in notaries as public officials. Abuses of immovable property rights remained significant. Consequently, these and other reasons necessitated further improvement of the procedures for recording real estate transactions.

As a result, in 1891 the Minister of Justice approved the Rules for Maintaining the Register of Mortgage Transactions, which contained information on immovable property, including characteristics of estates, their owners, existing encumbrances on ownership rights, and monetary claims secured by prohibitions, the list of which was constantly expanding. These registers were maintained in each county and city. However, entry into the Register did not constitute grounds for acquiring property rights through a transaction, as approval by the senior notary of the governorate was required. The senior notary was obliged to verify the legality of the transaction and the absence of encumbrances on the property, as well as to collect the relevant fee. Only after payment could the senior notary endorse the extract from the Register approving the transaction and enter the relevant information into the mortgage book.

Thus, by the beginning of the nineteenth century, a system of legal regulation of real estate transactions had been formed in the Russian Empire, based on recording information about objects, their encumbrances, and their subjects in special registers. However, the objective of introducing the Register of Mortgage Transactions—to streamline records and resolve numerous issues—was not achieved, as entries were not granted sufficient legal significance and complete publicity was absent.

In general, scholars studying issues related to real estate registration identified three main principles of registration: obligatoriness, reliability, and publicity. The principle of obligatoriness implies that all rights to immovable property established by law and their restrictions are subject to mandatory, rather than voluntary, registration. The state may encourage civil law subjects to register property rights in various ways, the most common being granting registration a constitutive legal effect. The principle of reliability should be understood as a legal presumption according to which information on rights to immovable property contained in the register is considered reliable until proven otherwise in court. The principle of publicity provides any legal or natural person with the opportunity to obtain information on all rights to any immovable property object and their restrictions.

During the Soviet period, the need for state registration of immovable property partially disappeared due to the gradual nationalization of land and other means of production (initiated by the Decree on Land adopted on October 26, 1917, at the Second All-Russian Congress of Soviets of Workers' and Soldiers' Deputies) [4]. The term "immovable property" itself was replaced by "fixed assets," and only personal property remained in circulation. During this period, unlike pre-revolutionary legislation, registration applied not to land plots—which had previously been the main objects of immovable property—but to specific objects, primarily residential buildings (home ownerships) [2].

In the 1920s, the Housing Law of the Ukrainian SSR of November 1, 1921, provided for the maintenance of a register of private buildings, which recorded the identity of the owner and the address of the buildings. As a result of registration, the owner was issued a certificate of ownership. At the same time, state registration of

private buildings imposed public obligations on the owner with regard to immovable property. Thus, pursuant to Article 28 of the Housing Law of the Ukrainian SSR of November 1, 1921, the owner was responsible to the registration authorities for the integrity and proper maintenance of the buildings [33].

In the 1960s–1980s, the procedure for registering rights to immovable property on the territory of Ukraine was regulated by the *Instruction on the Procedure for Registration of Houses and Home Ownerships in Cities and Urban-Type Settlements of the Ukrainian SSR*, approved by the Ministry of Municipal Economy of the Ukrainian SSR on January 31, 1966, and agreed with the Supreme Court of the Ukrainian SSR on January 15, 1966 [3].

This Instruction defined the objects of state registration, the procedure for primary and current registration, and approved the list of title documents on the basis of which registration was carried out. Although the Instruction established the procedure for registering immovable property objects, an analysis of the civil legislation in force at that time provides grounds to conclude that, in practice, it was the ownership right that was subject to state registration [4].

On February 10, 1985, the Council of Ministers of the USSR adopted Resolution No. 105 “*On the Procedure for State Accounting of the Housing Stock*” [5]. Under this Resolution, residential buildings and premises were recognized as the main objects of state registration. At the same time, dachas of dacha-construction cooperatives, summer garden houses of members of gardening associations, and other buildings and premises intended for seasonal or temporary residence, regardless of the duration of citizens’ stay therein, were not included in the housing stock.

Thus, it can be observed that the need for state registration of immovable property did not arise immediately with the emergence of the concept of ownership. The initial purpose of the first real estate registers was land taxation, and over time such registers gradually acquired more and more features that brought them closer to their modern form [4].

During the years of Ukraine’s independence, the system of state bodies responsible for the registration of property rights to immovable property has undergone

continuous changes. In our opinion, it is advisable to analyze this system along two directions: state registration of land-related immovable property and state registration of non-land immovable property. At the legislative level, the first stage of development of state registration of land rights was laid down by the Land Code of Ukraine as amended on March 13, 1992, according to which ownership rights or permanent use rights to land were certified by state acts issued and registered by village, settlement, city, and district Councils of People's Deputies [8].

The Law of Ukraine "*On Local Self-Government in Ukraine*" as amended on May 21, 1997, assigned to the delegated powers of executive bodies of village, settlement, and city councils, inter alia, the authority to register subjects of land ownership rights, register land use rights and land lease agreements, and issue documents certifying ownership rights and land use rights [9]. With the entry into force of the Land Code of Ukraine as amended on October 25, 2001, the authority to maintain the State Land Cadastre, including the state registration of land parcels, was vested in the central executive body responsible for land resources in the field of land relations [10].

Subsequently, legislation in the field of state registration of property rights to immovable property was amended and supplemented. Functions related to state registration of land parcels, immovable property, and rights thereto within the State Land Cadastre were assigned to the State Committee of Ukraine for Land Resources [11], which in 2007 was reorganized into the State Agency of Land Resources of Ukraine [12]. On February 13, 2008, this body was again reorganized into the State Committee of Ukraine for Land Resources [13]. In order to optimize the system of central executive authorities, the State Agency of Land Resources of Ukraine was established on December 9, 2010 [14], which, in turn, was reorganized on September 10, 2014 into the State Service of Ukraine for Geodesy, Cartography and Cadastre [15].

As a result of reforms in the sphere of state registration of land parcels and rights thereto, a system of various registers was created, which was characterized as complicated and imperfect. Property rights to land parcels and their individual encumbrances were registered in the State Register of Lands within the State Land Cadastre, administered by the State Agency of Land Resources of Ukraine; rights to

buildings, structures, apartments, and objects of unfinished construction were registered by technical inventory bureaus, with information contained in the State Register of Ownership Rights to Immovable Property, administered by the Ministry of Justice of Ukraine; and encumbrances of immovable property, including land, buildings, structures, apartments, by mortgage were registered in the State Register of Mortgages, administered by the Ministry of Justice of Ukraine. Such an illogical system did not meet the requirements of the time [16], and therefore an urgent need for its reform arose.

With regard to state registration of ownership rights and use rights (servitudes) to immovable property objects located on land parcels, use rights (tenancy, lease) to buildings or other capital structures and their individual parts, ownership rights to objects of unfinished construction, as well as the registration of ownerless immovable property and its trust management, in recent years these registration actions, in accordance with the *Temporary Regulation on the Procedure for State Registration of Ownership Rights and Other Property Rights to Immovable Property*, were carried out by registrars of technical inventory bureaus [17].

It should be emphasized that during the period of Ukraine's independence, a number of legal acts regulating relations related to encumbrances of property rights to immovable property were adopted. In particular, the basic provisions on pledge were established by the Law of Ukraine "*On Pledge*" of October 2, 1992 [18]. Relations related to such a form of securing obligations by immovable property as mortgage are regulated by the Law of Ukraine "*On Mortgage*" of June 5, 2003 [19], Article 4 of which stipulates that encumbrances of immovable property by mortgage are subject to state registration in accordance with the law.

A new impetus to the development of a unified system of state registration of property rights to immovable property and their encumbrances was provided by the adoption of the Law of Ukraine "*On State Registration of Property Rights to Immovable Property and Their Encumbrances*." This Law, as amended on July 1, 2004, stipulated that "the system of state registration bodies consists of the central executive authority for land resources, which ensures the implementation of state

policy in the field of state registration of rights, a state self-financing legal entity with a consolidated balance sheet established under it (the State Land Cadastre Center), and its local branches, which act as local bodies of state registration of rights” [5].

Due to ongoing changes in society, there is a constant need to improve legal regulation in various spheres of public life. The field of state registration of property rights to immovable property is no exception. The above-mentioned Law has undergone numerous amendments and supplements. It should be noted that until January 1, 2013, state registration was carried out as follows: 1. ownership rights and use rights (servitudes) to immovable property objects located on land parcels; use rights (tenancy, lease) to buildings or other capital structures and their individual parts; ownership rights to objects of unfinished construction, as well as the registration of ownerless immovable property and trust management of immovable property-by registrars of technical inventory bureaus established prior to the entry into force of this Law and connected to the Register of Ownership Rights to Immovable Property; 2. ownership rights, use rights (servitudes) to land parcels, permanent use rights to land parcels, land lease agreements; use rights to land for agricultural purposes (emphyteusis); development rights to land parcels (superficies)-by territorial bodies of land resources in the State Register of Lands; 3. legal transactions, mortgages, and information on encumbrances of immovable property-by notaries and registrars of a legal entity within the sphere of administration of the Ministry of Justice of Ukraine, respectively, in the State Register of Transactions, the State Register of Mortgages, the Unified Register of Prohibitions on Alienation of Immovable Property Objects, and the State Register of Encumbrances of Movable Property [20].

In contrast to the above, as of January 1, 2013, “state registration of rights to immovable property and their encumbrances is carried out by the state registration authority and by notaries in cases provided for by law” [20].

It is worth noting that within the system of executive authorities there previously existed a central executive body responsible for implementing state policy in the fields of state registration of civil status acts, state registration of property rights to immovable property, state registration of legal entities and individual entrepreneurs,

registration (legalization) of associations of citizens and other public formations, statutes of compulsory state social insurance funds where their registration is provided by law, the statute of the territorial community of the city of Kyiv, and printed mass media and information agencies as subjects of information activity—namely, the State Registration Service of Ukraine. However, “in order to optimize the activities of central executive authorities within the justice system and ensure rational use of budgetary funds, a decision was adopted on January 21, 2015, to liquidate the State Registration Service of Ukraine” [20].

Currently, the applicable legislation defines the following organizational system of state registration of rights to immovable property and their encumbrances:

1. the Ministry of Justice of Ukraine and its territorial bodies;
2. subjects of state registration of rights: executive bodies of village, settlement, and city councils; Kyiv and Sevastopol city state administrations; district and district-in-city state administrations of Kyiv and Sevastopol; accredited entities;
3. state registrars of rights to immovable property [20].

State registration of property rights to immovable property consists in making entries into a unified database that ensures processing, storage, and public access to information on registered rights. Each object is assigned a unique registration number, and the Register section contains data on the object, ownership rights, restrictions, and encumbrances [7].

Thus, the Ukrainian system has evolved from fragmented paper-based records to a digital, legally significant register that corresponds to the European direction of development.

The System of Registration of Property Rights to Immovable Property in Montenegro. The real estate registration system in Montenegro (Real Estate Cadastre) originates from the 1980s, combining legal, geodetic, and institutional transformations. The transition from a land cadastre to a real estate register began as early as 1984 with the adoption of the Law on State Surveying, Cadastre, and Registration of Property Rights. During this period, systematic geodetic surveys of all land parcels and buildings were conducted in order to collect spatial data and establish ownership rights to

immovable property. However, not all cadastral municipalities yet maintained registers of property rights: in some, only land records were used, while in others building objects were already included in the real estate register [21].

After Montenegro gained independence (June 3, 2006), the institutional structure of the cadastre was centralized through the Real Estate Administration (Uprava za nekretnine). This institution has the status of a governmental department and was originally established in 1992 [22]. According to the official website of the Administration, its functions include the preparation of regulations for geodetic works, maintenance of the state cadastre, registration of changes in property rights, and the management of archives of technical documentation, maps, plans, and all spatial data [23].

A significant milestone was the adoption of the Law on State Surveying and Cadastre of Immovable Property on May 22, 2007. This law specifies that the real estate cadastre includes both land parcels and buildings, apartments, and other immovable property objects. It establishes the principle of data publicity, meaning that state cadastral data are accessible to the public, as well as the principle of constitutiveness, according to which a property right legally arises only after it is entered into the cadastre [24]. The law also stipulates that property boundaries must be physically marked with geodetic markers, and the owner is obliged to allow access for their installation and to report any damage to such markers [24].

Thus, in Montenegro, issues related to the registration of property rights to immovable property are regulated by the Law on State Surveying and Cadastre of Immovable Property and the Law on Mediation in the Sale and Lease of Real Estate [28; 29]. For the practical implementation of a unified electronic cadastral and registration system, the official portal of the Real Estate Administration of Montenegro and the eKatastar system are used. These platforms provide access to information on land parcels, buildings, ownership rights, object boundaries, and their legal status [30; 22]. Through the portal, users can verify data, obtain cadastral extracts, and carry out legal transactions related to immovable property, thereby significantly increasing transparency and efficiency of the registration system.

Geoclassification of land constitutes another component of this legislation: land is classified according to natural and economic criteria into specific categories (for example, agricultural land, arable land, pastures, etc.), which affects cadastral indicators and land valuation [24].

In recent years, the registration system has undergone significant reforms. One of the key achievements is the coverage of approximately 95% of the country's territory by the cadastre, with plans to increase this coverage to 100% by 2028 [25].

The process of digitalization has also been highly active. The Real Estate Administration has introduced an electronic cadastre-eKatastar, which provides citizens with online access to cadastral data, including land parcels, boundaries, and legal status. The portal is developed and maintained by this state institution and ensures convenience and transparency for users [23]. In addition, the Geoportal enables the visualization of spatial data such as maps, parcels, and spatial units, serving as an important tool for planning and spatial management [22].

However, despite these achievements, the system has faced a number of challenges. Insufficient data accuracy remains an issue in certain municipalities. According to information from the United Nations Economic Commission for Europe, at the time of transition, parts of the territory were still covered by outdated surveys, and not all cadastral maps had been updated [21]. Furthermore, the legalization of illegally constructed buildings remains a pressing concern. Through its official website, the Real Estate Administration has informed citizens that, in accordance with the new Law on the Legalization of Buildings, they must apply to the cadastre within six months of the law's entry into force in order to register their real estate objects [26].

The 2007 Law also provides for partial access to cadastral data: public authorities, notaries, and other authorized entities may obtain information from the cadastre, which facilitates the use of the register in legal and administrative procedures [27]. This enhances the legal significance of the cadastre as a database used not only for spatial accounting but also for the legal registration of property rights.

The current state of the system is characterized by the stable operation of electronic services, an increasing administrative workload, and continuous efforts to

expand cadastral coverage. The real estate register increasingly serves as a foundation for legal certainty for property owners, investors, and state institutions.

The system of registration of real rights in Montenegro occupies a crucial position in the development of the national property register, and its further modernization through digital tools and geospatial integration creates a solid basis for transparent and efficient land administration.

For clarity and convenience of analysis, a comparison of the key characteristics of the real estate registration and cadastral systems of Ukraine and Montenegro is presented in tabular form. The tables systematize information on legal frameworks, organizational structures, registry management mechanisms, publicity, and the protection of property rights (see Tables 1 and 2).

Table 1. Comparison of real estate registration systems

Aspect	Ukraine	Montenegro
<p>Nature of state registration of rights</p>	<p>Registration is mandatory (since 2012 for legal transactions involving real estate; prior to that it was voluntary), and ownership or other real rights arise only from the moment the corresponding entry is made in the State Register of Real Property Rights, which effectively gives registration a constitutive character.</p>	<p>Registration has a constitutive character: ownership and other real rights do not legally exist until they are entered into the unified cadastral and registration system.</p>
<p>Publicity and access to data</p>	<p>Register data are public. Any person may obtain an extract or information via electronic services or through a notary or registry administrator.</p>	<p>Full publicity is ensured. Anyone may verify cadastral and registration records through state online services without special authorization.</p>
<p>Structure of the registration system and responsible authorities</p>	<p>The system consists of two separate registers: the Register of Rights (maintained by the Ministry of Justice) and the State Land Cadastre (maintained by the State Service of Ukraine for</p>	<p>A single integrated system is maintained by the Real Estate Administration; it combines cadastral data and the registration of rights into a unified legal record.</p>

Aspect	Ukraine	Montenegro
	Geodesy, Cartography and Cadastre). Full integration between the systems is lacking, and discrepancies may occur.	
Encumbrances and other real rights	Subject to registration are ownership rights, limited real rights (superficies, emphyteusis, etc.), servitudes, mortgages, arrests, and other prohibitions and restrictions. The data are not always fully synchronized with the cadastre.	All real rights and encumbrances are registered, including mortgages, court-imposed restrictions, servitudes, and boundary encumbrances. A mandatory verification of all existing restrictions is carried out prior to concluding a transaction.
Legalization of unauthorized construction	Procedures depend on the type of object, available documentation, and decisions of local authorities. Registration of ownerless property is possible. There is no single standardized and expedited procedure.	A special law (2025) establishes a six-month period for submitting documents for legalization. Proof of the actual existence of the object is required (satellite or aerial imagery, technical reports).
Level of digitalization and online access	The system is digitalized, and extracts may be obtained online. However, full integration between the register and the cadastre has not been achieved.	A unified electronic platform operates, providing a wide range of services. Certain procedures still require physical submission of documents.
Advantages for buyers / investors	High availability of extracts, convenient electronic services, a well-developed registration infrastructure, and a sufficient level of legal certainty in standard transactions.	A high level of legal certainty due to the unified integrated system; the cadastral-registration entry constitutes sufficient proof of ownership. Cadastral data are considered highly reliable.
Risks for buyers / investors	Risks related to inconsistencies between the cadastre and the register, technical inaccuracies, and certain restrictions or	Possible administrative delays; risks related to a large number of illegally constructed buildings requiring legalization.

Aspect	Ukraine	Montenegro
	delays associated with martial law conditions.	

Notes:

Explanation of the aspect terminology:

1. Nature of state registration of rights - the legal status of registration and the moment at which the right arises.
2. Publicity and access to data - accessibility of information for citizens and third parties.
3. Structure of the registration system and responsible authorities - the level of integration of registers and the functions of competent bodies.
4. Encumbrances and other real rights - restrictions, servitudes, mortgages, and other rights subject to registration.
5. Legalization of unauthorized construction - mechanisms, time limits, and legal requirements.
6. Level of digitalization and online access - the level of electronic services and the degree of online accessibility.
7. Advantages for buyers / investors - features that ensure convenience and predictability of the system.
8. Risks for buyers / investors - key potential problems in the process of real estate acquisition.

Developed by the authors (the information presented in the table is generalized and compiled based on the analysis of official sources and legal practice).

Table 2. Comparison of Cadastral Systems

Parameter	Ukraine	Montenegro
Type of cadastral system	The cadastral system is dual: the State Land Cadastre and the Register of Real Property Rights function as separate systems. This allows detailed cartographic representation but creates risks of data inconsistency and lack of synchronization.	The system is single and integrated, as cadastral records and the registration of rights form a unified legal database.
Authority responsible for maintaining the cadastre	The State Service of Ukraine for Geodesy, Cartography and Cadastre (StateGeoCadastre). The Register of Rights	The Real Estate Administration, operating through regional offices and ensuring the full cycle

Parameter	Ukraine	Montenegro
	is maintained separately by the Ministry of Justice.	of cadastral and registration operations.
Legal effect of a cadastral entry	The cadastre has an informational status. Cadastral data reflect spatial characteristics but do not establish ownership rights.	A cadastral entry has a constitutive effect, meaning that the act of registration itself determines the emergence of ownership rights.
Publicity and accessibility of geospatial data	Access is provided through the Public Cadastral Map; the service is open and allows viewing of cadastral numbers, boundaries, designated land use, and other attributes.	Access is provided via the eKatastar portal, which allows open viewing of cadastral information, boundaries, and legal status.
Level of digitalization and system integration	The system demonstrates a high level of digitalization; however, integration between the cadastre and the register of rights remains partial.	The cadastre and the register of rights are fully integrated into a single electronic system, ensuring maximum data consistency.
Control over construction legality	Control mechanisms are partial and largely dependent on local procedures. There is no unified nationwide accelerated legalization procedure.	A centralized mechanism operates under the 2025 law, providing strict control, defined time limits, and technical requirements for confirming the actual condition of real estate objects.
Interoperability with other state systems	The cadastre exchanges data with urban planning cadastres, geospatial infrastructures, and the Register of Rights, but the exchange is not fully automated.	The system provides automated data exchange with municipalities, tax authorities, construction registers, and spatial planning systems.

Notes:

Explanation of parameter terms:

1. Type of cadastral model – determines whether the system operates as a single integrated database or is divided into separate registers.

2. Authorities responsible for maintaining the cadastre – indicates which public authority is responsible for maintaining, updating, and administering cadastral data.
3. Legal effect of a cadastral entry – establishes whether a recorded entry gives rise to ownership rights or serves solely as an informational representation of data.
4. Publicity and accessibility of geospatial data – characterizes the openness of cadastral maps and the possibility of their online access and viewing.
5. Level of digitalization and system integration – reflects the level of electronic services and the technical interoperability of the cadastre with other public information systems.
6. Control over construction legality – defines the participation of the cadastre in the identification, verification, and legalization of illegally constructed objects.
7. Interoperability with other state systems – indicates how the cadastre exchanges information with other registers and public authorities.

Developed by the authors (the information presented in the table is generalized and compiled on the basis of reviewed official sources and legal practice).

Each system has its own strengths, shaped by historical development, legislative frameworks, and the organizational model of real estate governance. Conclusion: In Ukraine, the key advantages include a high level of digitalization and accessibility of spatial data, as well as detailed representation of real estate objects in the cadastre. This approach provides a broad range of information for public authorities, citizens, and professional users; however, it requires better coordination between cadastral and registration procedures. In Montenegro, a stronger emphasis is placed on legal certainty: cadastral and registration entries have immediate legal effect, which enhances stability and transparency in property relations. A distinct advantage is the clearly regulated procedure for the legalization of unauthorized constructions within established time limits.

The fundamental difference between the Ukrainian and Montenegrin models lies in the institutional logic of their formation. The Ukrainian system is oriented toward an information-accounting model, in which the cadastre primarily serves as a spatial and analytical database, while the legal effect is concentrated in the register of rights. In contrast, Montenegro has implemented a rights-constitutive model, in which a cadastral-registration entry simultaneously performs both spatial and legal functions.

From the perspective of ordinary citizens and investors, the Montenegrin system is perceived as more predictable and legally unambiguous, since a single entry constitutes sufficient proof of ownership. In Ukraine, by contrast, the system is more convenient for professional users (land surveyors, planners, and public authorities), but it requires additional verification of data consistency between the cadastre and the register of rights.

The identified differences are determined not only by technical solutions but also by the historical development of legal systems: in Ukraine, separate sectoral registers were formed over a long period, whereas Montenegro has preserved the tradition of a unified land register dominated by a civil-law approach.

Both models contain elements that may be mutually beneficial. Ukraine could strengthen legal certainty by integrating cadastral and registration processes more deeply, while Montenegro could improve the accuracy and level of detail of spatial data by expanding the capabilities of its information system. Such an exchange of approaches would contribute to increasing the efficiency of real estate management in both countries.

Conclusions and recommendations. The study has established that both countries adhere to the principles of reliability and mandatory registration of real property rights. At the same time, there are notable differences between the systems: in Ukraine, state registration has both constitutive and declarative characteristics, whereas in Montenegro it is exclusively constitutive, meaning that ownership rights arise only after an entry is made in the cadastre. It was also found that Ukraine has a more complex registry structure and more advanced electronic services, while the Montenegrin system ensures higher legal certainty due to stricter control over legalization procedures and greater data publicity. The synthesis of the comparative tables shows that the Ukrainian model is stronger in terms of technological development and openness, whereas the Montenegrin model excels in legal consistency and the simplicity of its organizational structure. Montenegro's experience demonstrates the possibility of effectively implementing modern cadastral and

registration approaches even under conditions of limited resources, which serves as an important benchmark for further reform of the Ukrainian system.

To enhance the efficiency of state real estate registration in Ukraine, it is advisable to consider deeper integration of cadastral and registration processes, improvement of the cartographic base, expansion of electronic service functionality, and the development of clear and transparent procedures for the legalization of unauthorized construction. Promising areas for further research include analysis of the impact of decentralization at the local level, assessment of the influence of legislative changes on the speed of registration procedures, opportunities for integration with other state registers, and examination of social aspects related to the accessibility of electronic services for citizens and small businesses. Overall, the combination of technological solutions, international experience, and legal innovation has the potential to make the state real estate registration system more transparent, user-friendly, and effective for public administration.

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ПОРІВНЯННЯ РЕЄСТРАЦІЙНОЇ СИСТЕМИ НЕРУХОМОСТІ ЧОРНОГОРІЇ ТА УКРАЇНИ

Анотація. У дослідженні здійснено комплексний порівняльний аналіз систем державної реєстрації речових прав на нерухоме майно України та Чорногорії з урахуванням сучасних викликів, тенденцій децентралізації та цифровізації кадастрово-реєстраційних процесів. Метою роботи було виявити спільні риси та відмінності правових основ, організаційної структури й практичного функціонування реєстраційних систем обох держав, а також оцінити їхню ефективність. В роботі застосовано загальнонаукові та спеціальні методи дослідження: аналіз і синтез для узагальнення законодавчих норм, порівняльно-правовий метод для встановлення відмінностей між

українською та чорногорською моделями, системний підхід для оцінки взаємодії кадастрових та реєстраційних органів, а також структурно-функціональний метод для виявлення особливостей організації державного земельного кадастру та реєстру прав у Чорногорії. Використано контент-аналіз профільних наукових публікацій, включно з працею, присвяченою підтриманню державного знімання в Чорногорії. Проведено історичний та сучасний аналіз реєстраційних систем обох країн. Проаналізовано етапи формування державної реєстрації, у тому числі через інвентаризаційні дані, бюро технічної інвентаризації та сучасні органи Мін'юсту й Держгеокадастру. Виявлено особливості ведення окремих реєстрів для земельних ділянок, будинків, споруд, квартир, об'єктів незавершеного будівництва та їх обтяжень.

Розглянуто розвиток чорногорської системи, починаючи з 1980-х років, із трансформацією земельного кадастру в єдину систему реєстрації нерухомості через *Real Estate Administration*. Підкреслено конститутивний характер реєстрації прав, інтеграцію кадастрових та реєстраційних даних, публічність доступу через електронні сервіси *eKatastar* і *Geoportal*, а також особливості геокласифікації земель та легалізації самочинного будівництва.

Здійснено порівняння ключових характеристик систем обох країн у таблицях, що відображають: правову основу реєстрації, організаційну структуру, об'єкти та механізми ведення реєстрів, цифровізацію, публічність та захист прав власників, а також процедури узаконення самочинного будівництва.

Новизна роботи полягає у комплексному зіставленні двох систем з позицій правової ефективності, цифровізації та захисту прав власників. Висновки дослідження можуть бути використані для вдосконалення української моделі реєстрації нерухомості, інтеграції кадастрових і реєстраційних процесів та підвищення правової визначеності, що наблизить її до європейських стандартів.

Ключові слова: державна реєстрація речових прав, нерухоме майно, земельний кадастр, реєстр прав, кадастрово-реєстраційна система,

*цифровізація, децентралізація, порівняльно-правовий аналіз, Україна,
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