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## LAND AS A SPECIAL OBJECT OF CIVIL RELATIONS

The article notes the peculiarities of the existing Ukrainian legislation concepts of “land” and “land plot” as well as provides a detailed analysis of the concepts of

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“land” and “land plot”. The object of legal relations is not land as a natural resource, but rather a plot of land, which is a separate and clearly defined part of the earth’s surface with certain established boundaries. Land, as a natural resource, cannot be the object of property rights, like other natural objects without spatial boundaries, such as subsoil, atmospheric air, etc. Defining these concepts through the prism of the definition of a whole and a separate part, we define “land” as a solid object, while at the same time the concept of “land plot” is understood as the direct object of legal relations. According to this system, a plot of land corresponds to the general concept of “land, as land suitable for division into specific parts, with a certain target function. Determining the main difference between the definitions of these concepts is undeniably important, since these objects can be the subject of civil law agreements, which in turn require legal specifics.

Considering the legal status of the integrity of the real estate object and the land plot, we can say something about the practical significance of the creation of this automatic mechanism for the transfer of the right of ownership (use) to the land plot, caused by the acquisition of the right of ownership of the relevant real estate objects located on it. But regardless of the legal usefulness of these changes, they also have certain disadvantages. Having replaced the old norms with new ones, the legislator actually removes land plots encumbered by real estate objects from free legal circulation. Thus, forming an inseparable relationship between the land plot and the real estate located on it, in fact, due to which the transfer of rights to the purchaser of the real estate will be carried out automatically, without the need for an expression of will on the part of the previous owner. Considering this, it is worth noting that such a mechanism of automatic transfer of rights does not take into account the right of the owner to freely dispose of his property.

Touching on this topic, it is worth noting one more possible drawback, which, on the contrary, complicates the realisation of rights, namely the transfer of the right to superficies under a will, according to which the heirs inherit the ownership of the land plot by one person and the right to develop the land plot by another. In reality, such a mechanism leads to the emergence of certain obstacles to the realisation of the superficies right since this procedure requires the agreement of the terms and conditions of this civil law agreement. The European Legal Institute does not define a will as the basis for establishing superficies, but rather defines superficies as an inherited right, the transfer of which occurs on the basis of the inheritance of a registered building right. Summarizing the results of the analysis, it should be noted that this mechanism will allow not only to solve problematic issues of domestic legislation, but also to bring Ukraine closer to European legal integration, taking into account the important steps on the way to the unification of domestic law with the standards of Western European neighbors.

**Keywords:** land, land plot, property right, inseparability of land plot and real estate, practice of the Supreme Court, superficies, European Union.

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