

PROBLEMS OF FORMING AND EFFECTIVE MANAGEMENT OF LANDED PROPERTY UNITY

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Keywords: management, landed property unity, real estate, management methods, state registration, real estate cadastre, land/ground area, legislative base, land monitoring, effective use, data ware.

Problems of forming and effective management of landed property unity and its constituents such as land and real estate are considered. Suggestions dealing with the improvement of legislative base, regulating informational and economic basis as well as effective usage methods of real estate objects, are given.

Formation and management of landed-property unity complexes should be directed on creation and maintenance of effective functioning of the system of landed-property relations. According to the author, it is necessary to have a system of acts that allows to define unequivocally the concept of landed-property unity and its components, and also the maintenance of effective management methods of the real estate objects.

In the standard-legal base of Russian Federation there is no definition of “lands-property complex”. According to item 132 SC of the Russian Federation the concept of “property complex” is inseparably linked with the concept of “enterprise” defined this way: “An enterprise is a property complex of real estate. The enterprise structure includes all kinds of property intended for its activity, including land, buildings, constructions, the equipment, the stock, raw materials, production, requirement rights, debts, etc. if other is not provided by the law or the contract”.

In Russian legislation there is no unified concept of “management” and “object of management” or a property complex.

An enterprise as a property complex according to the SC of Russian Federation and the Law on registration is a unified object of real estate and is in itself a separate kind, in comparison with other kinds of real estate.

In scientific literature landed-property unity is treated as a set of land and other objects of real estate and property with certain functional purpose which are located on it. The principle “the building belongs to the land”, applied in all West European systems of land control, in Russia is not applied at all.

The realization of main principles of land right (payable land tenure, formations of uniform object of real estate) are directed at the codification of land legislation in the uniform act, that is the Land code of Russian Federation. It is suggested to introduce Town-planning and Wood codes of the Russian Federation.

One of management methods of land-property unity is state registration of the rights to real estate and transactions with it with State cadastre of the real estate (SCP) as the basis of data on the structure of land-property complexes. The author here agrees with many economists that the mixture of the two concepts, namely, the registration of real estate and the registration of the rights to it is a consequence of incorrect formulations of separate norms in the UC of Russian Federation and in the Law on registration.

Another method of real estate management is to supply the information on effective utilization of objects landed-property unity on the basis of SCP, to monitor the land, and also the state and departmental cadastres and registers. The Economic-organizational mechanism of designing the GKN system of information resources has been previously described by the author.

From the analysis of the operating standard legal certificates that regulate the relations in the sphere of SCP and monitor the land we can see that the legislative base does not allow to design a fully effective system of supplying information on the use of land and other objects of real estate. It is also necessary to accept the Federal law “On monitoring the land in Russian Federation”, which will establish the bodies of

* Tagir I. Hametov, PhD in Economics, Associate professor of Penza State University of Architecture and Construction.

responsibility and describe their functions. Besides, in this law the order of storage, use and analysis of data on the state monitoring of the lands (SML), forecasting and making recommendations on the prevention of negative influences on the corresponding lands should be defined.

The 5th convocation of the State Duma Committee on building and ground relations was of great importance for the perfection of the system of complex legal maintenance of formation and an effective utilisation of objects of landed-property. Its work resulted in more than 50 bills, including:

- ◆ On the regulation of ground relations;
- ◆ On the coordination of the items of the LC of Russian Federation with the requirements of the Town-planning code of Russian Federation;
- ◆ On involving federal-owned lands in economic circulation.

Finally, it is necessary to say that not all the questions of formation and effective management of landed-property unity are viewed in the article. Nevertheless, it reflects the condition and development of landed property relations in the specified sphere.

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