

РЕГИСТРАЦИЯ ЗЕМЛИ В РОССИИ

**Берсунькаев М.В.¹,
Хаидов Х.Я.²**

¹Берлинский технический университет, г. Берлин, Германия
²ГГНТУ им. акад. М. Д. Миллионщикова, г. Грозный, Россия

Регистрация земельного участка - это юридическая процедура, которая подтверждает право собственности владельца недвижимого имущества. В настоящем докладе освещаются правовые основы регистрации прав собственности на землю в России и этапы процесса регистрации земли.

LAND REGISTRATION IN RUSSIA

**Bersunkaev M.V.¹,
Khaidov Kh.Y.²**

¹Technical University of Berlin, Berlin, Germany
²GSTOU named after acad. M.D. Millionshchikov, Grozny, Russia

Land registration is a legal procedure which confirms the ownership right of the owner of the real estate. This report illuminates the legal background of land ownership registry in Russia and the steps of the land registration process.

Introduction

Land registration changes the status of the land plot as it registered in the state cadaster authority. The system with the information on cadaster is called «Unified State Register of Real Estate». The Federal Office for State Registration, Cadastre and Cartography (or «Rosreestr» – transl. as «Russian registry») is the main governmental body responsible for the issues regarding land, cadaster and cartography, including maintenance of the Unified State Register of Real Estate and the Unified Cadastral Registry and conduction of expertise of the land management documentation. The authority is under the jurisdiction of the federal ministry of economic development, and the head of Rosreestr is also a deputy minister.

Methodology

A desktop research was conducted. All the relevant data on the land management legislation and governance was available online. Websites of federal and local land management entities had all the necessary information on cadaster, such as maps and info of registration procedures.

Legal background

The owner of right of ownership of a land plot can use it without any restrictions. He can sell it, lease, donate, leave as a heritage or exchange. Of course, all the operations have to be in line with the legislation specified in the Land Code of the Russian Federation and other relevant laws. The Land Code is the book with all the federal laws concerning land. Rosreestr implements the land registration procedure as it is established by the federal laws. The Constitution of the Russian Federation, the Land and Civil Codes, federal laws and orders are at the basis of the process.

Next causes can lead to obtaining the land ownership:

- 1) Contract of sale with the previous owner;
- 2) Court decision that establishes the ownership of the land plot;
- 3) Transition of the ownership from a public entity to a private body;
- 4) Inheritance of the land;
- 5) Other, as specified in the Land Code.

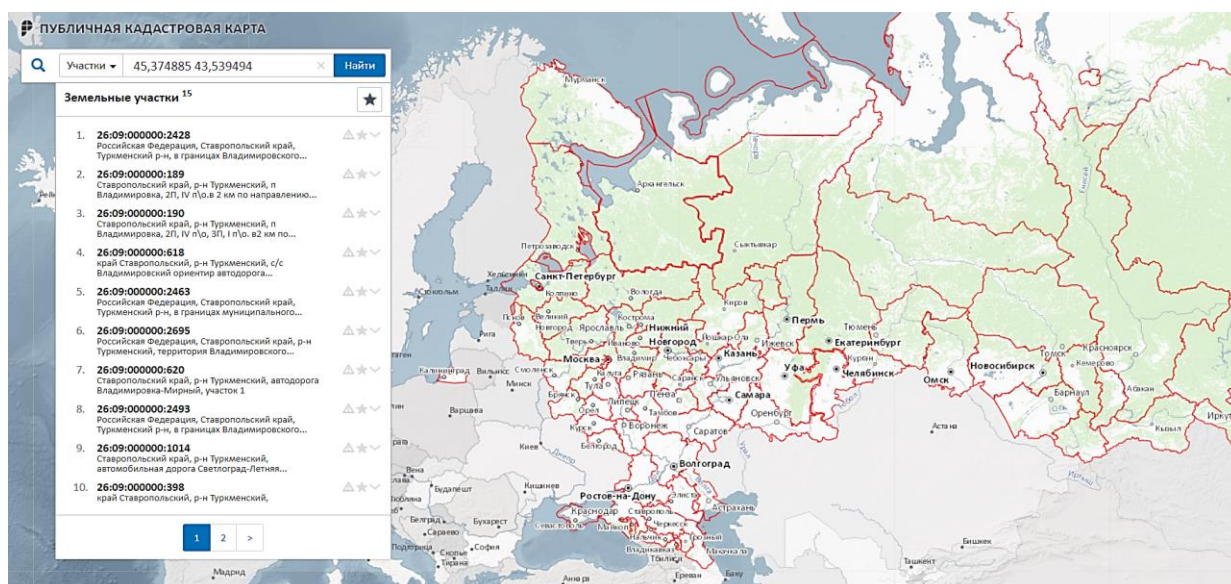


Fig.1 – Public cadaster map, 2019 (Поспеев, 2019) [2]

There is a public cadaster map of all of Russia available on Rosreestr's website (figures 1 and 2) [2]. It provides users with the information on land survey, plot borders, ownership information. Some information is available straight away for free, and some, such as legal documents of a specific plot, such as the history of the ownership of the site, cadastral plan, cadastral passport and other technical information can be obtained by request. This service is paid (figure 3) [4].

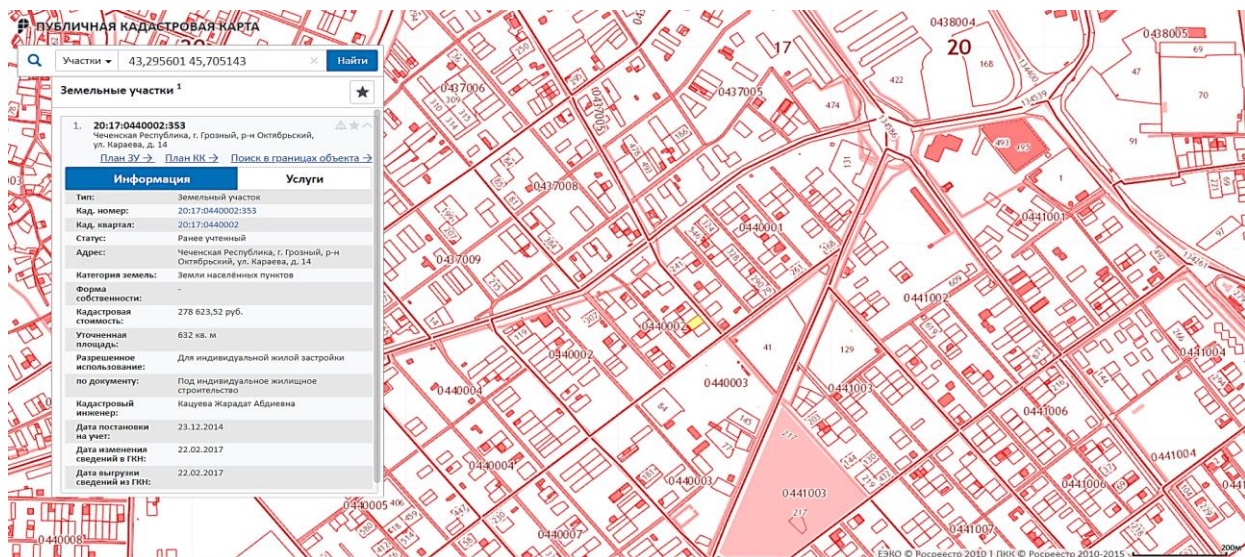


Fig.2 – Public cadaster map, zoomed in, 2019 (Росреестр, 2019) [2]

The map provides information for each individual plot. For example: cadastral number, which is identification number, information on the entity that carried out the registration of the land, address, cost of the plot according to the state cadaster and the plot's ownership form (private, state). The information is updated periodically.

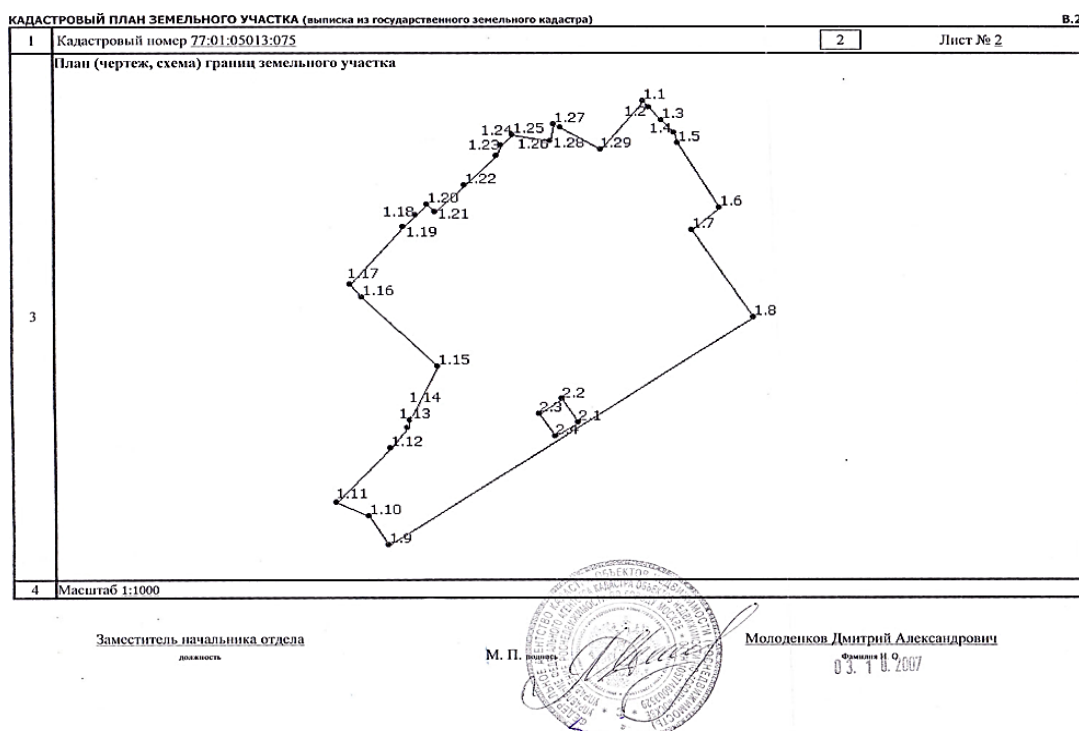


Fig.3 – Cadastral plan (Realtyurist, 2018) [4]

Types of use

The type of construction on the land plot should be matching the purpose as it written in the registry, otherwise it will be illegal. Permitted use is specified in the registry. It affects the use of land, types of the objects that can be located on it and the types that cannot be located. Real estate will not be registered if it does not match the

permitted use. If the land is rented from the government and misused, it might be taken away.

There are 7 categories of land in Russia:

1. Agriculture land.
2. Inhabited areas (cities, villages).
3. Land for transport, industry, military or other.
4. Protected areas.
5. Forest land.
6. Water bodies.
7. Reserved land.

Type of the ownership depends on the category of the land. There are different types of ownership, such as state owned (federal or municipal levels) or privately owned. Ownership right includes different types of powers: right of the possession, right of the use by intended purpose and right of disposition. Possession of land is having it as one's property. The use of land is an opportunity to get benefits from it, by placing objects on it, for example. The right of disposition gives the possibility for the owner to determine the legal fate of the land plot. They can, among other things, sell, give or exchange it.

Registration process

According to the federal law N 218-Φ3 from 13.07.2015 "On state registration of real estate", there are several stages to the process of obtaining of the ownership right (2015) [1]:

- 1) Application with the necessary documents;
- 2) Payment of state duty. In 2019 it is 2000 rubles (30 dollars);
- 3) The examination of compliance of documents with the legislation;
- 4) Detection of the facts that might be reason for denial of state registration;
- 5) Registration of rights in the Unified Cadastral Registry;
- 6) Issuance of a certificate.

The process of issuance takes usually from 3 weeks to 2 months, depending on complexity of each case. Application can be made online.

The necessary documents include:

- a) cadastral passport. It contains cadastral plan and information about location and area of the site;
- b) acts, contracts and other documents confirming transfer of the ownership right;
- c) receipt of payment of state duty;
- d) identification documents of previous and future owners.

Кадастровый номер 20:17:0331002:337

Чеченская Республика, г Грозный, ул Спартака, д 17

Кадастровый номер — 20:17:0331002:337 (найти на кадастровой карте)

Тип — Здание

Этажность — 1 эт.
Материал стен — Кирпичные
Год постройки — 2002 г.

Площадь — 140.3 кв.м.

Другое написание адреса — г Грозный, ул Спартака, д. 17

<input checked="" type="checkbox"/>	Выписка из ЕГРН ФИО собственников здания, кадастровая стоимость, наличие/отсутствие обременений/аренды/ипотеки, список помещений, кадастровый план границ здания, координаты	1190 руб. 1-3 часа	Образец
<input checked="" type="checkbox"/>	Выписка ЕГРН о переходе прав История собственников (их ФИО) по сделкам, совершенным с 1998 года.	990 руб. 5-30 минут	Образец
<input type="checkbox"/>	Справка о кадастровой стоимости Информация о кадастровой стоимости. Можно заказать на любую дату в прошлом.	290 руб. 1-3 рабочих дня	Образец

[Заказать документы](#)




Fig. 4 – Extract from unified state registry (Поспеев, 2019) [3]

The cadastral passport is an extract from systematic database, which contains short characteristics of the property, such as its cadastral number, location, category of the land, permitted use, area, cadastral price, information about natural objects. (figure 4) [3].

Cadastral plan includes scheme of all the borders with the turning points (figure 5) [4]. The scheme sets the coordinates of the nodal points. Along with the information in the passport, it has some more detailed data on the plot, such as exact territorial location, permitted use of the object, the presence of restrictions, soil type, natural resources and so on. Additionally, plan shows various objects, in order to bind the boundaries of the plot to them.

(полное наименование органа кадастрового учета)

КАДАСТРОВЫЙ ПАСПОРТ ЗЕМЕЛЬНОГО УЧАСТКА

КП.1



" _____ " _____ 20 ____ г. N _____ 1



1	Кадастровый номер: _____	2	Лист N _____	3	Всего листов _____
4	Номер кадастрового квартала ² _____				
Общие сведения					
5	Предыдущие номера ³ : _____	6	Дата внесения номера в государственный кадастр недвижимости ⁴ : _____		
7 ⁵	_____				
8	Местоположение ⁶ : _____				
9	Категория земель ⁷ : _____				
10	Разрешенное использование ⁸ : _____				
11	Площадь ⁹ : _____				
12	Кадастровая стоимость (руб.) ¹⁰ : _____				
13	Сведения о правах ¹¹ : _____				
14	Особые отметки ¹² : _____				
Сведения о природных объектах ¹³ :					
16	Дополнительные сведения для регистрации прав на образованные земельные участки:	16.1	Номера образованных участков ¹⁴ : _____		
		16.2	Номера участка, преобразованного в результате выдела ¹⁵ : _____		
		16.3	Номера участков, подлежащих снятию с кадастрового учета ¹⁶ : _____		
		16.4	Характер сведений государственного кадастра недвижимости (статус записи о земельном участке) ¹⁷ : _____		

(наименование должности)

(подпись)

(инициалы, фамилия)

М.П.

Fig. 5 – Cadastral passport, 1 page (Realtyurist, 2018) [4]

Conclusion

Based on the desktop research and short interviews with people who experienced all the procedures of land registration first hand, it can be assumed that the bureaucratic mechanism of the land registry is working properly. The process is clear and authorities are responsive. It has to be highlighted though that this research did not include any interactions with the authorities or actual assessment of the registry's work.

References

- 1) Федеральный закон от 13.07.2015 N 218-ФЗ (ред. от 25.12.2018) "О государственной регистрации недвижимости" (с изм. и доп., вступ. в силу с 01.01.2019).
- 2) Росреестр. (2019). Публичная кадастровая карта. Retrieved from Росреестр: <https://pkk5.rosreestr.ru/#x=5087720.403946493&y=5357193.3340344215&z=16&text=43%2C295601%2045%2C705143&type=1&app=search&opened=1>.
- 3) Росреестр. (2019). Получение сведений из единого государственного реестра недвижимости (ЕГРН). Retrieved from Росреестр: <https://rosreestr.ru/site/fiz/poluchit-svedeniya-iz-egrn/>.
- 4) Realtyurist. (2018). Получение права собственности на земельный участок. Retrieved from Realtyurist.ru: <https://realyurist.ru/zemelnyj-uchastok/pravo-sobstvennosti-na-zemelnyj-uchastok/>.